SERVING CANADIANS

The Federal Child Support Guidelines: Step-by-Step

Department of Justice Canada
Ministère de la Justice Canada

Canada

The *Federal Child Support Guidelines* were amended on May 1, 2006. These amendments include updated Federal Child Support Tables to reflect changes to provincial, territorial and federal tax rates. Under the guidelines, anyone who has a child support order can take steps to have it reflect the amendments, including the new table amount.

This publication is not a legal document. It contains general information and is provided for convenience and guidance in applying the *Federal Child Support Guidelines*.

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(Minister of Justice and Attorney General of Canada)

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This publication replaces the following Department of Justice Canada publications:

- *Federal Child Support Guidelines: The Complete Workbook (1997)*
- *Federal Child Support Guidelines: A Workbook for Parents (1998)*
- *Federal Child Support Guidelines: A guide to the new approach (1997)*

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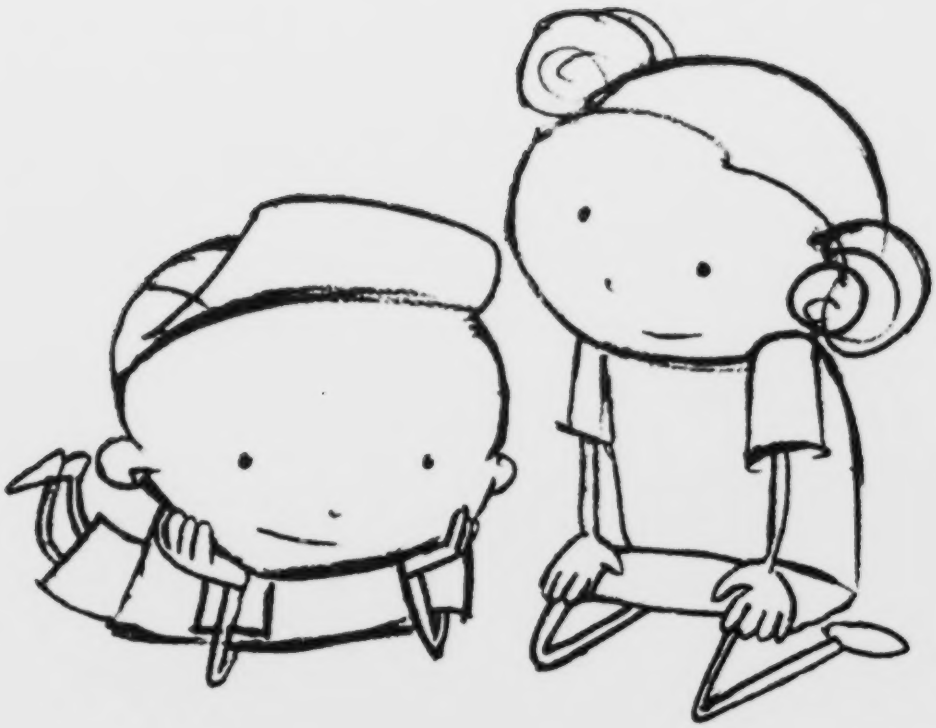

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Before you start

About this booklet

This booklet sets out the eight steps you can work through to estimate what an appropriate amount of child support would likely be in your situation, to help you come to an agreement.

You will find worksheets and step-by-step instructions to help you make the right calculations. Either parent can use this booklet, but it may be best when you and the other parent share information and work together to calculate the appropriate amount of child support.

Who can use this booklet?

You can use this booklet if you pay or receive, or will pay or receive, child support under the *Federal Child Support Guidelines*. You can use the chart on page 8 under step 1 of this booklet to find out if the federal guidelines apply to you.

This booklet contains helpful information about child support. It may still be useful to you even if the federal guidelines do not apply to you because most provincial and territorial guidelines are comparable to the federal guidelines. For more information, please see page 7.

What is child support?

Child support is the amount one parent pays to another for the financial support of a child.

Why is child support important?

Child support is important because children need the financial support of both parents, even after separation. Child support is in the child's best interests and both parents have a financial obligation to support their children.

What are child support guidelines?

Child support guidelines are a set of rules and tables. The guidelines are the law. They can tell you how a judge would most likely figure out the amount of child support in your situation. As parents, you may both decide that another amount of child support—higher or lower—is better for you and your children. But, if you ask a judge to decide, he or she will set the amount of child support according to the guidelines, unless there are special circumstances. See page 4 for more information on special circumstances.

The guidelines are designed to:

- protect the best interests of the children, and
- make the calculation of child support fair, consistent and predictable.

The guidelines establish a fair standard of support for children that makes sure they continue to benefit from the financial means of both their parents after separation.

The guidelines are also intended to reduce conflict and tension between parents by making child support calculations more fair and more objective, and by encouraging agreements between parents. If you know in advance what your child support amount will likely be, it may be easier for you and the other parent to agree.

What are child support tables?

The tables you will use show the basic amount of child support based on income. They make it easier to figure out child support amounts.

The tables take into account the taxes payable, and therefore gross income is used to apply them.

There is a separate table for each province and territory to reflect different tax rates between provinces and territories. You will need the right table to help you figure out your child support amount.

You can get copies of the tables on the Department of Justice Canada's Internet site at www.justice.gc.ca/childsupport. Or you can call the Department of Justice Canada's Family Law Information Line at 1-888-373-2222, or your provincial or territorial government (see page 36).

Special circumstances

In some cases, you and the other parent will have an order or written agreement with special circumstances that directly or indirectly benefit your child. You must consider these provisions before you set child support amounts.

One example could be if you are the paying parent and you have transferred your interest in the family home to the other parent, without being compensated, so the child would not have to move. Since this transaction may provide a benefit to the child, it may be unfair to require you to pay the guideline amount, and a lower child support payment may be fair. You and the other parent would have to agree that this is the case or a judge would have to decide on the matter.

Do you need legal advice?

Child support can be a complex area of the law. This booklet explains the guidelines in general terms. It doesn't provide legal advice. While this booklet can help you understand the guidelines, you may also wish to ask a lawyer to help you:

- determine a child support amount,
- advise you on which supporting documents you must provide,
- make sure your rights are considered,
- make sure your child's best interests are protected, and
- help you with court procedures.

You can choose to represent yourself, but it may be preferable to speak with a lawyer who is familiar with the guidelines.

What if you cannot afford a lawyer?

- Contact your local legal aid office to see if you qualify for legal aid. Look under "legal" in the yellow pages of your phone book.
- If you don't qualify for legal aid, you may wish to contact a lawyer referral service.
- Contact your provincial or territorial public legal education program.
- Visit your local library or university to see if they provide legal information.
- Contact your local court house for information.

Other people can help

There are many people who are skilled at helping divorcing parents reach an agreement on child support. For example, mediators, arbitrators and accountants often work with parents. Also, every province and territory offers services for divorcing parents, including parent education programs.

For more information on who can help you, please see *Who can help you?* on page 26 of this booklet.

Court is the last resort

The guidelines tell you how judges would most likely determine the amount of child support in your situation.

It is to everyone's advantage when both parents can agree on the terms of their divorce and on child support arrangements or changes to them. Asking a judge to make the decisions for you can be costly and time-consuming and can be stressful for everyone in the family, especially your children. This booklet can help you get the figures you need to come to an agreement.

What are orders and agreements?

Child support amounts can be set by written agreement between you and the other parent or, if you ask a judge to decide, by court order. For more information, please see *Orders and agreements* on page 25.

If you have more questions

If you have questions this booklet doesn't answer, you can find more information online at www.justice.gc.ca/childsupport.
You can also call the Department of Justice Canada's Family Law Information Line at 1-888-373-2222.

The steps to figuring out child support

This booklet will provide examples at each step.
The examples show you how the steps would apply to one family going through a divorce. **The examples will be in a box like this one:**

Meet Patrick and Michelle
Patrick and Michelle were married and are getting a divorce. They both live in Nova Scotia and have three children, ages 10, 12 and 19.

step 1:
figure out which guidelines apply

This step will help you figure out if the federal guidelines apply to you.

In Canada, the provinces and territories share responsibility for matters relating to child support. The federal *Divorce Act* and the *Federal Child Support Guidelines* apply if you are already divorced or planning to divorce. Provincial and territorial laws, and provincial and territorial child support guidelines apply if you are not married to each other, and are separated, or you are married to each other and are separated, or planning to separate, but have decided not to divorce.

When the Government of Canada was developing the federal guidelines, it recognized the need to have one set of laws to determine child support for children whose parents are divorcing and whose parents are separating.

The Government included a special rule in the law that allows each province and territory to use its own guidelines instead of the federal guidelines in divorce cases.

A province or territory can create its own child support guidelines, or it can adopt the federal guidelines. If a province or territory adopts its own guidelines, the Government of Canada can designate that province or territory. This means that the guidelines of a designated province or territory would apply to both separations and divorces, as long as both parents live in that province or territory. Manitoba, New Brunswick, Prince Edward Island and Quebec are designated provinces.

You can use the chart below to figure out which guidelines apply to you.

If you are getting divorced and you will pay or receive child support and	**Then**
you and the other parent **both** live in • Alberta • British Columbia • Northwest Territories • Nova Scotia • Newfoundland and Labrador • Nunavut • Ontario • Saskatchewan or • Yukon	the *Federal Child Support Guidelines* apply to you.
you and the other parent **both** live in New Brunswick, Manitoba, Prince Edward Island or Quebec	provincial child support guidelines apply to you.
you and the other parent live in different provinces or territories	the *Federal Child Support Guidelines* apply to you.
one parent lives in Canada and the other parent lives outside Canada	the *Federal Child Support Guidelines* apply to you.
If you are already divorced and you or the other parent wants to change your child support amount and	**Then**
you **both** live in • Alberta • British Columbia • Northwest Territories • Nova Scotia • Newfoundland and Labrador • Nunavut • Ontario • Saskatchewan or • Yukon	the *Federal Child Support Guidelines* apply to you.
you **both** live in New Brunswick, Manitoba, Prince Edward Island or Quebec	provincial child support guidelines apply to you.
you and the other parent live in different provinces or territories	the *Federal Child Support Guidelines* apply to you.
one parent lives in Canada and the other parent lives outside Canada	the *Federal Child Support Guidelines* apply to you.
If you and the other parent	**Then**
are not married to each other	provincial or territorial child support guidelines apply to you.
are married, have separated, but are **not** planning to divorce	provincial or territorial child support guidelines apply to you.

example

Patrick and Michelle were married and are getting a divorce. They both live in Nova Scotia, and Nova Scotia has not been designated, so the federal guidelines apply to them.

If you do not know whether provincial or territorial law applies in your situation, you may wish to use the contact information on page 36 of this booklet to ask your provincial or territorial government. You may also call the Department of Justice Canada's Family Law Information Line at 1-888-373-2222.

You can use the chart below to figure out which guidelines apply to you.

If you are getting divorced and you will pay or receive child support and	Then
you and the other parent **both** live in • Alberta • British Columbia • Northwest Territories • Nova Scotia • Newfoundland and Labrador • Nunavut • Ontario • Saskatchewan or • Yukon	the *Federal Child Support Guidelines* apply to you.
you and the other parent **both** live in New Brunswick, Manitoba, Prince Edward Island or Quebec	provincial child support guidelines apply to you.
you and the other parent live in different provinces or territories	the *Federal Child Support Guidelines* apply to you.
one parent lives in Canada and the other parent lives outside Canada	the *Federal Child Support Guidelines* apply to you.
If you are already divorced and you or the other parent wants to change your child support amount and	**Then**
you **both** live in • Alberta • British Columbia • Northwest Territories • Nova Scotia • Newfoundland and Labrador • Nunavut • Ontario • Saskatchewan or • Yukon	the *Federal Child Support Guidelines* apply to you.
you **both** live in New Brunswick, Manitoba, Prince Edward Island or Quebec	provincial child support guidelines apply to you.
you and the other parent live in different provinces or territories	the *Federal Child Support Guidelines* apply to you.
one parent lives in Canada and the other parent lives outside Canada	the *Federal Child Support Guidelines* apply to you.
If you and the other parent	**Then**
are not married to each other	provincial or territorial child support guidelines apply to you.
are married, have separated, but are **not** planning to divorce	provincial or territorial child support guidelines apply to you.

example
Patrick and Michelle were married and are getting a divorce. They both live in Nova Scotia, and Nova Scotia has not been designated, so the federal guidelines apply to them.

If you do not know whether provincial or territorial law applies in your situation, you may wish to use the contact information on page 36 of this booklet to ask your provincial or territorial government. You may also call the Department of Justice Canada's Family Law Information Line at 1-888-373-2222.

step 2:
determine the number of children

You must decide which children are being considered for support.

The guidelines apply to:

- children of both you and the other parent who are under the age of majority. The age of majority is either 18 or 19, depending on the province or territory in which the child lives. (See the table on the following page.)

The guidelines may apply to:

- children to whom either you or the other parent has acted in place of a parent. For example, if you or your spouse is not the birth or adoptive parent, you could agree or the court could recognize that one of you has acted as a parent to the other spouse's child (for example, if one of you was a step-parent).
- children at or over the age of majority who are still dependent on you due to illness, disability, or other cause. Generally, the courts recognize the pursuit of post-secondary education as a valid "other cause."

Age of Majority by Province or Territory

Provinces where the age of majority is 18:

Alberta	Ontario	Manitoba	Quebec
Saskatchewan	Prince Edward Island		

Provinces and territories where the age of majority is 19:

British Columbia	Nova Scotia	New Brunswick	Yukon
Northwest Territories	Nunavut	Newfoundland and Labrador	

If your child is at or over the age of majority, you may choose to treat the situation as if the child were below the age of majority and use the table amount. If you think the guidelines are not suitable, you may decide on a different amount of child support having regard to the child's needs and means and other circumstances, and your and the other parent's financial ability to contribute.

If you cannot agree whether a child who has reached the age of majority is a dependent for whom child support should be paid, either parent can ask a judge to decide. If the judge finds that the child is entitled to support, then he or she may apply the guidelines amount or set another amount after taking into account the age of the child and the means, needs and other circumstances of the child and the income of you and the other parent.

example

Patrick and Michelle have three children, who all live in Nova Scotia. Two children are under the age of majority. One child, Jane, is at the age of majority. Jane is enrolled full-time in university and is living at home, so Patrick and Michelle decide to treat her as a dependent and use the guidelines as if she was under the age of majority.

In applying the guidelines, Patrick and Michelle will use the child support table amount for three children.

Age of Majority by Province or Territory			
Provinces where the age of majority is 18:			
Alberta	Ontario	Manitoba	Quebec
Saskatchewan	Prince Edward Island		
Provinces and territories where the age of majority is 19:			
British Columbia	Nova Scotia	New Brunswick	Yukon
Northwest Territories	Nunavut	Newfoundland and Labrador	

If your child is at or over the age of majority, you may choose to treat the situation as if the child were below the age of majority and use the table amount. If you think the guidelines are not suitable, you may decide on a different amount of child support having regard to the child's needs and means and other circumstances, and your and the other parent's financial ability to contribute.

If you cannot agree whether a child who has reached the age of majority is a dependent for whom child support should be paid, either parent can ask a judge to decide. If the judge finds that the child is entitled to support, then he or she may apply the guidelines amount or set another amount after taking into account the age of the child and the means, needs and other circumstances of the child and the income of you and the other parent.

example

Patrick and Michelle have three children, who all live in Nova Scotia. Two children are under the age of majority. One child, Jane, is at the age of majority. Jane is enrolled full-time in university and is living at home, so Patrick and Michelle decide to treat her as a dependent and use the guidelines as if she was under the age of majority.

In applying the guidelines, Patrick and Michelle will use the child support table amount for three children.

step 3:
determine the parenting arrangement

You must decide which type of parenting arrangement you have before you calculate the amount of child support.

The guidelines use the following three terms to describe parenting arrangements. Please read these descriptions carefully as they may be different than the term you use to describe your parenting arrangement, or they may be different from how your provincial or territorial laws describe parenting arrangements.

Shared custody

In shared custody situations, a child lives at least 40 percent of the time with each parent over the course of a year.

Split custody

Split custody is possible when there are two or more children. Split custody describes an arrangement where each parent has custody of one or more of the children, which means:

- one or more children live with one parent more than 60 percent of the time in the year, and
- one or more children live with the other parent more than 60 percent of the time in the year.

Sole custody

This is where all children live with one parent more than 60 percent of the time over the course of a year.

shared custody example
If Patrick and Michelle agree that the children will live with Patrick 55 percent of the time and with Michelle the rest of the time, they will have a shared custody arrangement.

split custody example
If Patrick and Michelle agree that two of the children will live with Patrick more than 60 percent of the time, and the other child will live with Michelle more than 60 percent of the time, they will have a split custody arrangement.

sole custody example
If all three children live with Patrick more than 60 percent of the time, and with Michelle the rest of the time, Patrick will have a sole custody arrangement.

shared custody example
If Patrick and Michelle agree that the children will live with Patrick 55 percent of the time and with Michelle the rest of the time, they will have a shared custody arrangement.

split custody example
If Patrick and Michelle agree that two of the children will live with Patrick more than 60 percent of the time, and the other child will live with Michelle more than 60 percent of the time, they will have a split custody arrangement.

sole custody example
If all three children live with Patrick more than 60 percent of the time, and with Michelle the rest of the time, Patrick will have a sole custody arrangement.

step 4:
find the right table

Once you have figured out what kind of parenting arrangement you will have, you will need to determine which table applies in your situation. This booklet uses the following terms to describe parents who pay or receive child support:

Paying parent

A paying parent is a person who pays an amount of child support.

Receiving parent

A receiving parent is a person who will receive an amount of child support.

You can get copies of the Simplified Federal Child Support Tables from the Department of Justice Canada's Internet site at www.justice.gc.ca/childsupport. You can also call the Department of Justice Canada's Family Law Information Line at 1-888-373-2222, or you can call your provincial or territorial government (please see page 36).

You can use the chart below to help you figure out which table applies to you.

If you or the other parent has sole custody and	Then
you live in different provinces or territories	use the federal table for the province or territory that the paying parent lives in.
you or the other parent lives outside Canada	use the federal table for the province or territory the parent in Canada lives in.
you and the other parent **both** live in New Brunswick, Manitoba, Prince Edward Island or Quebec	refer to the provincial guidelines.

If you and the other parent split or share custody and	Then
you live in different provinces or territories	use the federal tables for the province or territory each parent lives in.
you or the other parent lives outside Canada	use the federal table for the province or territory the parent in Canada lives in.
you and the other parent **both** live in New Brunswick, Manitoba, Prince Edward Island or Quebec	refer to the provincial guidelines.

example
Patrick and Michelle both live in Nova Scotia. Nova Scotia has not been designated (see page 7), so they use the federal table for Nova Scotia.

You can use the chart below to help you figure out which table applies to you.

If you or the other parent has sole custody and	Then
you live in different provinces or territories	use the federal table for the province or territory that the paying parent lives in.
you or the other parent lives outside Canada	use the federal table for the province or territory the parent in Canada lives in.
you and the other parent **both** live in New Brunswick, Manitoba, Prince Edward Island or Quebec	refer to the provincial guidelines.
If you and the other parent split or share custody and	**Then**
you live in different provinces or territories	use the federal tables for the province or territory each parent lives in.
you or the other parent lives outside Canada	use the federal table for the province or territory the parent in Canada lives in.
you and the other parent **both** live in New Brunswick, Manitoba, Prince Edward Island or Quebec	refer to the provincial guidelines.

example
Patrick and Michelle both live in Nova Scotia. Nova Scotia has not been designated (see page 7), so they use the federal table for Nova Scotia.

step 5:
calculate annual income

In this step, you will calculate income to figure out child support amounts.

You can use Worksheet 1 at the back of this booklet to help you calculate annual income for child support purposes.

You can find your total annual income by looking at *Total Income*, on Line 150 of your income tax return or notice of assessment.

Adjusting total income

You may have to adjust your income to reflect disposable income before taxes. This is because the annual income amount you use for calculating child support may not be the same income amount you use to calculate income tax. Worksheet 1 shows you how to adjust annual income for child support purposes.

Who must provide income information?

If your income is needed to calculate child support amounts, you must provide income information for the last three tax years. Both of you must provide income information when:

- you have a split or shared custody arrangement,
- there are special expenses (see step 7),
- there is a claim of undue hardship (see step 8),
- a child is at or over the age of majority (see step 2) and you are not using the guidelines as if the child was under the age of majority,
- a paying parent earns more than $150,000 a year, or
- if one of you has acted in place of a parent to the other parent's child.

If your case goes to court, the paying parent or both parents, depending on the situation as explained above, must provide complete and accurate income information. If you fail to do so, the judge can order you to comply. The judge can also impose a penalty (such as awarding costs to the other parent). If you still don't comply, the judge can, for example, set the amount of income for you that will be used to determine child support.

Proof of income

If you pay child support, or if your income is required to calculate a child support amount, you must show proof of your income to the other parent, or to the court if your case goes to court.

The proof of income you give must include copies of:

1. income tax returns for each of the three most recent tax years, and
2. notices of assessment and reassessment from the Canada Revenue Agency for the past three tax years.

You and the other parent can agree in writing on the annual income. If your case goes to court and if the income amount seems reasonable based on the evidence, the judge may use that amount.

step 5

You may also have to give other information about your income. For example, if you are an employee, you must give the most recent statement of earnings or pay slip. If a statement of earnings doesn't exist, you can give a letter from your employer providing your salary or wages. If you are self-employed, or if you control a corporation, you must give the corporation's financial statements. (See *More information on calculating annual income* on page 23.)

If any of these apply to you, you might also need to show:

- information on any income you received from employment insurance,
- information on any income you received from workers' compensation,
- information on any income you received from disability payments,
- details of any business partnerships, and
- copies of trust settlement agreements along with the trust's three most recent financial statements.

In all cases, you must give the other parent copies of any documents you give to the court. If you live in Canada or the United States you must provide the documents within 30 days of the application being served.

If you live outside Canada or the United States, you must provide the documents within 60 days of the application being served.

Annual updates of income information

Once you have a child support order or agreement in place, a parent whose income is a factor in calculating child support must continue to provide income information if the other parent asks. The request for income information must be made in writing and may be made only once a year.

In some cases calculating annual income can be complicated. You may wish to consult a third party, such as a lawyer or an accountant.

If the paying parent's income is more than $150,000 a year

For incomes over $150,000, the tables list an amount of child support for the first $150,000, and a percentage you can use if you think it is appropriate for the part of the income over $150,000. Or, for the amount of income over $150,000, you can agree on an amount based on the condition, means, needs and other circumstances of both parents and the child, such as whether the child is over the age of majority and is earning an income.

shared custody example
Michelle earns $50,000 a year and Patrick earns $40,000, based on their income tax returns. Neither has any other sources of income. Both Patrick and Michelle will have to provide their income information.

split custody example
Michelle earns $50,000 a year and Patrick earns $40,000, based on their income tax returns. Neither has any other sources of income. Both Patrick and Michelle will have to provide their income information.

sole custody example
The children will live with Patrick for at least 60 percent of the time over the course of a year, so he does not need to provide his income for this step. Michelle's salary is $50,000. She will have to provide her income information.

step 6:
find the table amount

Using the provincial or territorial simplified table, find the annual income in the column on the left.

Next, look to the right and find the column for the number of children.

example

Nova Scotia/Nouvelle-Écosse

Federal Child Support Amounts: Simplified Tables
Montants fédéraux de pensions alimentaires pour enfants: Tables simplifiées

Income/ Revenu ($)	Monthly Award/ Paiement mensuel ($) — No. of Children/ Nbre d'enfants				Income/ Revenu ($)	Monthly Award/ Paiement mensuel ($) — No. of Children/ Nbre d'enfants				Income/ Revenu ($)	Monthly Award/ Paiement mensuel ($) — No. of Children/ Nbre d'enfants				Income/ Revenu ($)	Monthly Award/ Paiement mensuel ($) — No. of Children/ Nbre d'enfants			
	1	2	3	4		1	2	3	4		1	2	3	4		1	2	3	4
32200	286	482	637	761	*37600*	328	549	725	869	*43000*	374	619	816	976	*48400*	421	693	910	1088
32300	286	483	639	764	*37700*	329	550	726	871	*43100*	375	621	817	978	*48500*	422	694	912	1090
32400	287	484	641	766	*37800*	330	551	728	873	*43200*	376	622	819	980	*48600*	423	696	914	1092
32500	288	486	642	768	*37900*	331	552	730	875	*43300*	377	623	821	983	*48700*	424	697	916	1094
32600	289	487	644	770	*38000*	332	554	731	876	*43400*	377	625	823	985	*48800*	425	698	917	1096
32700	290	488	646	772	*38100*	332	555	733	878	*43500*	378	626	824	987	*48900*	426	700	919	1098
32800	290	489	648	774	*38200*	333	556	734	880	*43600*	379	628	826	989	*49000*	426	701	921	1101
32900	291	491	649	776	*38300*	334	557	736	882	*43700*	380	629	828	991	*49100*	427	702	923	1103
33000	292	492	651	778	*38400*	335	559	738	884	*43800*	381	630	830	993	*49200*	428	704	924	1105
33100	293	493	653	780	*38500*	336	560	739	886	*43900*	382	632	831	995	*49300*	429	705	926	1107
33200	294	495	655	782	*38600*	336	561	741	888	*44000*	383	633	833	997	*49400*	430	707	928	1109
33300	295	496	656	784	*38700*	337	562	742	890	*44100*	384	634	835	999	*49500*	431	708	930	1111
33400	295	497	658	786	*38800*	338	564	744	892	*44200*	384	636	837	1001	*49600*	432	709	931	1113
33500	296	498	660	788	*38900*	339	565	746	893	*44300*	385	637	838	1003	*49700*	433	711	933	1115
33600	297	500	661	790	*39000*	340	566	747	895	*44400*	386	638	840	1005	*49800*	433	712	935	1117
33700	298	501	663	792	*39100*	341	567	749	897	*44500*	387	640	842	1007	*49900*	434	713	937	1119
33800	299	502	665	794	*39200*	341	569	750	899	*44600*	388	641	844	1009	*50000*	435	715	938	1121
33900	299	503	667	796	*39300*	342	570	752	901	*44700*	389	643	845	1012	*50100*	436	716	940	1123
34000	300	505	668	799	*39400*	343	571	754	903	*44800*	390	644	847	1014	*50200*	437	717	942	1125
34100	301	506	670	801	*39500*	344	572	755	905	*44900*	391	645	849	1016	*50300*	438	719	944	1127
34200	302	507	672	803	*39600*	345	574	757	907	*45000*	391	647	851	1018	*50400*	439	720	945	1130
34300	303	509	673	805	*39700*	345	575	759	909	*45100*	392	648	852	1020	*50500*	440	722	947	1132
34400	304	510	675	807	*39800*	346	576	760	911	*45200*	393	649	854	1022	*50600*	440	723	949	1134
34500	304	511	676	809	*39900*	347	578	762	913	*45300*	394	651	856	1024	*50700*	441	724	951	1136
34600	305	512	678	811	*40000*	348	579	764	915	*45400*	395	652	858	1026	*50800*	442	726	952	1138
34700	306	514	680	813	*40100*	349	580	765	917	*45500*	396	653	859	1028	*50900*	443	727	954	1140
34800	307	515	681	815	*40200*	350	582	767	919	*45600*	397	655	861	1030	*51000*	444	728	956	1142
34900	308	516	683	817	*40300*	350	583	769	921	*45700*	398	656	863	1032	*51100*	445	730	958	1144

You may also have to give other information about your income. For example, if you are an employee, you must give the most recent statement of earnings or pay slip. If a statement of earnings doesn't exist, you can give a letter from your employer providing your salary or wages. If you are self-employed, or if you control a corporation, you must give the corporation's financial statements. (See *More information on calculating annual income* on page 23.)

If any of these apply to you, you might also need to show:

- information on any income you received from employment insurance,
- information on any income you received from workers' compensation,
- information on any income you received from disability payments,
- details of any business partnerships, and
- copies of trust settlement agreements along with the trust's three most recent financial statements.

In all cases, you must give the other parent copies of any documents you give to the court. If you live in Canada or the United States you must provide the documents within 30 days of the application being served. If you live outside Canada or the United States, you must provide the documents within 60 days of the application being served.

Annual updates of income information

Once you have a child support order or agreement in place, a parent whose income is a factor in calculating child support must continue to provide income information if the other parent asks. The request for income information must be made in writing and may be made only once a year.

In some cases calculating annual income can be complicated. You may wish to consult a third party, such as a lawyer or an accountant.

If the paying parent's income is more than $150,000 a year

For incomes over $150,000, the tables list an amount of child support for the first $150,000, and a percentage you can use if you think it is appropriate for the part of the income over $150,000. Or, for the amount of income over $150,000, you can agree on an amount based on the condition, means, needs and other circumstances of both parents and the child, such as whether the child is over the age of majority and is earning an income.

shared custody example
Michelle earns $50,000 a year and Patrick earns $40,000, based on their income tax returns. Neither has any other sources of income. Both Patrick and Michelle will have to provide their income information.

split custody example
Michelle earns $50,000 a year and Patrick earns $40,000, based on their income tax returns. Neither has any other sources of income. Both Patrick and Michelle will have to provide their income information.

sole custody example
The children will live with Patrick for at least 60 percent of the time over the course of a year, so he does not need to provide his income for this step. Michelle's salary is $50,000. She will have to provide her income information.

step 6:
find the table amount

Using the provincial or territorial simplified table, find the annual income in the column on the left.

Next, look to the right and find the column for the number of children.

example

Nova Scotia/Nouvelle-Ecosse

Federal Child Support Amounts: Simplified Tables
Montants fédéraux de pensions alimentaires pour enfants: Tables simplifiées

Income/ Revenu ($)	Monthly Award/ Paiement mensuel ($) No. of Children/ Nbre d'enfants				Income/ Revenu ($)	Monthly Award/ Paiement mensuel ($) No. of Children/ Nbre d'enfants				Income/ Revenu ($)	Monthly Award/ Paiement mensuel ($) No. of Children/ Nbre d'enfants				Income/ Revenu ($)	Monthly Award/ Paiement mensuel ($) No. of Children/ Nbre d'enfants			
	1	2	3	4		1	2	3	4		1	2	3	4		1	2	3	4
32200	286	482	637	761	*37600*	328	549	725	869	*43000*	374	612	816	976	*48400*	420	681	910	1088
32300	286	483	639	764	*37700*	329	550	726	871	*43100*	375	621	817	978	*48500*	422	684	912	1090
32400	287	484	641	766	*37800*	330	551	728	873	*43200*	376	622	819	980	*48600*	423	686	914	1092
32500	288	485	642	768	*37900*	331	552	730	875	*43300*	377	624	821	982	*48700*	424	687	916	1094
32600	289	487	644	770	*38000*	332	554	731	876	*43400*	377	625	822	984	*48800*	425	689	917	1096
32700	290	488	646	772	*38100*	332	555	733	878	*43500*	378	626	824	985	*48900*	426	690	919	1098
32800	290	489	648	774	*38200*	333	556	734	880	*43600*	379	628	826	987	*49000*	428	692	921	1101
32900	291	491	649	776	*38300*	334	557	736	882	*43700*	380	629	828	991	*49100*	429	694	923	1103
33000	292	492	651	778	*38400*	335	559	738	884	*43800*	381	630	830	993	*49200*	430	695	924	1105
33100	293	493	653	780	*38500*	336	560	739	886	*43900*	382	632	831	995	*49300*	431	697	926	1107
33200	294	495	655	782	*38600*	336	561	741	888	*44000*	383	633	833	997	*49400*	433	698	928	1109
33300	295	496	656	784	*38700*	337	562	742	890	*44100*	384	634	835	999	*49500*	434	700	930	1111
33400	295	497	658	786	*38800*	338	564	744	892	*44200*	384	636	837	1001	*49600*	435	702	931	1113
33500	296	498	660	788	*38900*	339	565	746	893	*44300*	385	637	838	1003	*49700*	437	703	933	1115
33600	297	500	661	790	*39000*	340	566	747	895	*44400*	386	638	840	1005	*49800*	438	705	935	1117
33700	298	501	663	792	*39100*	341	567	749	897	*44500*	387	640	842	1007	*49900*	439	706	937	1119
33800	299	502	665	794	*39200*	341	569	751	899	*44600*	388	641	844	1009	*50000*	440	708	938	1121
33900	299	503	667	796	*39300*	342	570	752	901	*44700*	389	643	845	1012	*50100*	442	710	940	1124
34000	300	505	668	798	*39400*	343	571	754	903	*44800*	390	644	847	1014	*50200*	443	711	942	1126
34100	301	506	670	801	*39500*	344	572	755	905	*44900*	391	645	849	1016	*50300*	444	713	944	1128
34200	302	507	672	803	*39600*	345	574	757	907	*45000*	391	647	851	1018	*50400*	445	714	945	1130
34300	303	509	673	805	*39700*	345	575	759	909	*45100*	392	648	852	1020	*50500*	446	716	947	1132
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34600	305	512	678	811	*40000*	348	579	764	915	*45400*	395	652	858	1026	*50800*	449	720	952	1138
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34900	308	516	683	817	*40300*	351	583	769	921	*45700*	398	656	863	1032	*51100*	453	725	958	1145

This example will help explain who the paying parent is in different scenarios.

shared custody example

In a shared custody arrangement, Patrick and Michelle need to consider:

1. what the table amount would be for each of them,
2. the increased cost of shared custody, and
3. the condition, means, and needs of both of them and their children.

Patrick and Michelle have already agreed to calculate child support using the child support table for three children. They look at the tables to find the monthly amount each would pay if the other parent had sole custody of the children. At $40,000, Patrick must pay Michelle $764 a month. At $50,000, Michelle must pay Patrick $938 a month. The parents subtract Patrick's support amount of $764 from Michelle's support amount of $938. Michelle would pay Patrick the difference of $174.

Michelle's monthly amount		938
Patrick's monthly amount	–	764
	=	$174

Patrick and Michelle also look at the expenses each of them expects to pay while the children are in their custody. Patrick will have to pay for more expenses than Michelle. Taking Michelle's means into account, they agree that it is reasonable and fair for her to pay an additional amount of child support and they decide that Michelle will pay Patrick $225 a month.

This example shows one way of taking the two table amounts into account. Patrick and Michelle could also use any other method they agree on to figure out the child support amount.

split custody example

Patrick and Michelle have already agreed to calculate child support using the child support table for three children. Two of the children will live with Patrick. One child will live with Michelle. Patrick would pay support for the child who is in Michelle's care. Michelle would pay support for the two children in Patrick's care. Under the guidelines, they would calculate the amount by:

- figuring out the amount of support Patrick would pay Michelle for the child in Michelle's care,
- figuring out the amount of support that Michelle would pay for the two children in Patrick's care, and
- subtracting the lesser amount from the higher amount.

Patrick and Michelle look at the tables to determine the monthly amount each would pay. At $40,000, Patrick would be required to pay $348 a month for one child. Michelle, at $50,000, would have to pay $715 a month for two children. After subtracting Patrick's support amount of $348 from Michelle's support amount of $715, Michelle would pay Patrick $367 a month for child support.

Michelle's monthly amount		715
Patrick's monthly amount	–	348
	=	$367

sole custody example

Patrick will have sole custody of all three children. Patrick and Michelle have already agreed to calculate child support using the child support table for all three children. They select the table amount for Nova Scotia, which for three children would be $938 a month.

step 7:
dealing with special expenses

The amounts in the tables are a starting point. In many cases, children may have special expenses.

The guidelines define special expenses as expenses that are:

- necessary because they are in a child's best interests, and
- reasonable in relation to the means of the parents and of the child and consistent with the family's spending patterns prior to the separation.

You and the other parent may agree on how to divide payment for special expenses and may agree that an amount should be added to the basic child support amount in the table. In your agreement you can even list special expenses that you expect to incur years later. For example, you may wish to arrange for paying uninsured dental expenses, day care and contributions towards university tuition.

You can consider special expenses when you set child support amounts in sole custody or split custody arrangements.

Special expenses are:

- child-care expenses that a parent with whom the child lives incurs as a result of the parent's job, illness, disability or educational requirements for employment,
- the portion of a parent's medical and dental insurance premiums that provides coverage for the child,
- the child's health-care needs over and above that covered by insurance (for example, orthodontics, counselling, medication, eye care and other items) that exceed $100 per year,
- the child's extraordinary expenses for extracurricular activities,
- the child's extraordinary expenses for primary and secondary education or other educational programs, and,
- the child's expenses for post-secondary education.

The term *extraordinary expenses* means:

- expenses that are higher than those that the parent requesting an amount for the extraordinary expenses can reasonably cover, in light of that parent's income (including the child support amount), or
- expenses that aren't higher than those that the parent requesting an amount for the extraordinary expenses can reasonably cover, but that are extraordinary taking into account:
  - the income (including child support) of that parent,
  - the nature and number of the programs and extracurricular activities,
  - any special needs and talents of the child,
  - the overall cost of the programs and activities, and
  - any other similar factor that is relevant.

You and the other parent are free to decide if a special expense is reasonable and necessary and how much each of you will contribute to them. As a general rule, you will share in the special expense in proportion to your incomes, but you may agree to any other arrangement. Worksheet 2 at the back of this booklet can help you calculate special expenses.

If you cannot agree about special expenses

If you cannot agree on which special expenses are reasonable and necessary or how to pay for them, either of you may ask a judge to decide, or ask a third party, such as a lawyer or a mediator to help you.

special expenses example (sole custody)

Michelle and Patrick agree that a day-care "net" expense of $450 a month is necessary. (The amount is "net" because they must consider the tax deduction Patrick will receive for child-care expenses, and the increase he will receive in the National Child Benefit.) They also agree that a sum must be added to the support amount of $938 that Michelle pays. Because parents normally divide the cost of the expense in proportion to their respective incomes, Michelle and Patrick calculate how much of the $450 in day-care expenses each parent will pay. They first calculate the total income of both parents by adding both their incomes ($50,000 plus $40,000 = $90,000). Then, to find out how much Michelle would pay, they would divide Michelle's income by the total income and multiply the result by the expense amount.

$50,000 divided by $90,000, multiplied by $450, equals Michelle's share of the expense:

$$\frac{\$50,000}{\$90,000} \times \$450 = \$250$$

Patrick's share will be the difference between Michelle's share and the total expense. Therefore, Michelle would pay $250 and Patrick would contribute $200 to cover the total expense of $450. Michelle's $250 for child care expenses would be added to the table amount of support of $938 for a total amount of child support of $1,188 per month.

The term *extraordinary expenses* means:

- expenses that are higher than those that the parent requesting an amount for the extraordinary expenses can reasonably cover, in light of that parent's income (including the child support amount), or
- expenses that aren't higher than those that the parent requesting an amount for the extraordinary expenses can reasonably cover, but that are extraordinary taking into account:
  - the income (including child support) of that parent,
  - the nature and number of the programs and extracurricular activities,
  - any special needs and talents of the child,
  - the overall cost of the programs and activities, and
  - any other similar factor that is relevant.

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If you cannot agree about special expenses

If you cannot agree on which special expenses are reasonable and necessary or how to pay for them, either of you may ask a judge to decide, or ask a third party, such as a lawyer or a mediator to help you.

step 8:
dealing with undue hardship

In some situations, the amount of child support set in the child support tables, combined with other circumstances, could create undue hardship for you, for the other parent, or for a child. In those situations, a different child support amount could be determined.

Undue hardship can be claimed in shared, sole or split custody arrangements. In shared custody arrangements however, the guidelines provide enough flexibility to calculate child support amounts so that undue hardship would rarely need to be claimed.

There are two steps to deciding if a parent or child is experiencing undue hardship.

1. Are there circumstances that could cause undue hardship for you, or for the other parent or a child?

If you ask for a change in your child support amount based on undue hardship, you must show that your circumstances would make it difficult to:

- pay the required amount, or
- support the child on that amount.

Your circumstances could include:

- unusually high debts from supporting your family before the separation or to earn a living,
- unusually high costs associated with access to a child,
- a legal duty to support another person,
- a legal duty to support a child other than a child of the marriage, or
- a legal duty to support a person who, because of illness, disability or other cause (including education), cannot support himself or herself.

2. Does the household of the parent asking for the change have a lower standard of living than the household of the other parent?

Before a claim for undue hardship can be accepted, you must show that the standard of living in your household is not higher than

the standard of living in the household of the other parent.

The guidelines provide one way to calculate the standards of living for the two households. This way looks at the income of **every member** of both households to compare the two households' standards of living.

How to compare your standards of living

To get a general idea of the standards of living of the two households and how they compare, you may use Worksheet 3 at the back of this booklet. But you can also use another means to compare the standards of living of the two households.

In cases of undue hardship, a new spouse's income is considered in comparing the standards of living of the two households.

If you or the other parent has remarried or is living with a new partner, you must take that person's income into account. This is the only time that you will consider the income of a new partner. It is not relevant in any other situation. (Please see page 54 to figure out which household members you should include for the purposes of comparing standards of living.)

If you cannot agree about undue hardship

If you and the other parent cannot agree, you can ask a third party, such as a lawyer or a mediator, to help you. You may also ask a judge to decide.

Undue hardship example

Patrick has sole custody of his and Michelle's three children. Michelle has remarried and has two more children who are both under three. Michelle's new spouse is only able to work part-time. We know that Michelle would pay Patrick $1,188 per month for their children.

Michelle is claiming "undue hardship". In making a decision on this issue, Patrick and Michelle must look at Michelle's current financial situation to see if the child support amount, combined with her new circumstances, create undue hardship. They must then look at which household has the higher standard of living. If Michelle's household standard of living is lower, she may not be required to pay the full amount of child support.

Note: Special expenses should be calculated based on their necessity in relation to the child's best interests and the reasonableness of the expenses in relation to both parents' means. In Patrick and Michelle's situation, they would know at step 7, special expenses, that the portion of expenses they determined Michelle should pay may not be reasonable in relation to her means. She and Patrick could have agreed at that stage to a different way of sharing the special expenses, and there may have been no need to proceed to step 8, undue hardship.

the standard of living in the household of the other parent.

The guidelines provide one way to calculate the standards of living for the two households. This way looks at the income of **every member** of both households to compare the two households' standards of living.

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If you and the other parent cannot agree, you can ask a third party, such as a lawyer or a mediator, to help you. You may also ask a judge to decide.

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Patrick has sole custody of his and Michelle's three children. Michelle has remarried and has two more children who are both under three. Michelle's new spouse is only able to work part-time. We know that Michelle would pay Patrick $1,188 per month for their children.

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Note: Special expenses should be calculated based on their necessity in relation to the child's best interests and the reasonableness of the expenses in relation to both parents' means. In Patrick and Michelle's situation, they would know at step 7, special expenses, that the portion of expenses they determined Michelle should pay may not be reasonable in relation to her means. She and Patrick could have agreed at that stage to a different way of sharing the special expenses, and there may have been no need to proceed to step 8, undue hardship.

More information on calculating annual income

Other factors in determining annual income

To properly apply the guidelines, you need an accurate income amount—one that fairly reflects actual income. You may consider several factors:

- Whether your income has increased or decreased over the past three years.
- If your income has fluctuated over the past three years.
- If you have received a one-time amount of money (for example, an inheritance) all, some, or none of this amount may be included.
- If you had exceptional business or investment profits or losses during a particular year.
- If you are a shareholder, officer or control a corporation, all or part of the corporation's pre-tax income for the most recent taxation year, or what you would earn if you were being paid for the services provided to the corporation (as long as that amount is less than the corporation's pre-tax income). In determining a corporation's pre-tax income, you must include the corporation's payments such as salaries, wages, management fees and similar expenses.
- If you live in another country where tax rates are significantly higher or lower than those applicable in the province or territory in which the other parent lives.

In some cases, the other parent may ask a judge to look at your income. The judge may assign an income amount to you if, for example, any of the following situations apply:

- You are intentionally underemployed or unemployed (unless the reason is related to caring for a child, or reasonable education, or your health needs).
- You are not required to pay federal or provincial income tax.
- You live in a country where income tax rates are significantly lower than Canada's.
- You get a large portion of your income from dividends, capital gains or other sources with a lower tax rate.
- You are, or will be, receiving income or other benefits from a trust.
- You are placing income elsewhere to conceal it (for example, putting it in someone else's name).
- You do not reasonably use property and resources to generate income (for example, you may have too much money tied up in land or business investments, reducing the amount of cash available for child support).

- You unreasonably deduct expenses from income.
- You have withheld income information.

If line 150 does not contain the most recent income information

Your most recent federal tax return and your Canada Revenue Agency notice of assessment or reassessment may not be the best sources for current income information if they are not up-to-date or accurate, or a fair reflection of your income. In this case, please use more recent sources of information, such as pay slips to update the information on the tax return.

Even if your income tax information is up-to-date, it could still be inaccurate if your income has changed recently. It could also be inaccurate because you must calculate income for child support differently from the way you calculate income for income tax.

You may decide to use a figure that is different from the one on Line 150 of your most recent income tax return or notice of assessment when, for example:

- The amount you received from a particular source of income varied over the last three years. In this case, you could decide to use an average of the amounts received from that source of income during the last three years, or,
- The amount you received from a particular source of income does not recur regularly, such as a bonus paid to employees, because the company had an exceptionally profitable year. In this case, you may decide to include only a portion of the amount, if any.

If you are self-employed, or if you control a corporation, you must provide the corporation's financial statements. Other material you could be required to provide include income information from employment insurance, worker's compensation, disability payments, and details of any business partnerships and copies of trust settlement agreements along with the trust's three most recent financial statements.

In all cases, you must give the other parent copies of any documents you give to the court. If you live in Canada or the United States you must provide the documents within 30 days of the application being served. If you live outside Canada or the United States, you must provide the documents within 60 days of the application being served.

If you do not provide the documents necessary to prove your income, you may have to go to court. The judge may order you to provide the documents, or he or she can attribute income at a higher or lower level or impose serious penalties, including contempt of court proceedings and payment of legal costs.

Orders and agreements

If you are applying for a divorce under the *Divorce Act* and will pay or receive child support, the child support amount can be set by:

- agreement, or
- court order, which can be made by consent, if you and the other parent agree on the amount. If you and the other parent cannot agree, a judge will decide.

According to the guidelines, a child support order must include:

- the name and birth date of each child to whom the order relates,
- the income of any parent whose income is used to determine the amount of the child support order,
- the child support amount determined under the guidelines,
- the child support amount determined for a child the age of majority or over,
- information on special expenses, the child to whom the expense relates, and the amount of the expense or, where that amount cannot be determined, the proportion of the expense to be paid, and
- the date on which the lump sum or first payment is payable and the day of the month or other time period on which all subsequent payments are to be made.

You may wish to speak with a lawyer or contact your provincial or territorial government (see page 36) if you want more information about orders and agreements.

Who can help you?

There are people who can help you reach an agreement, prepare for court or help you help your children.

Family justice services in your province or territory can help you reach an agreement without having to go to court. They can provide you with information and help you find appropriate services, such as mediation. You will find the provincial and territorial general enquiries numbers on page 36 at the back of this booklet. For more information, you may wish to visit the Department of Justice Canada's Internet site at www.justice.gc.ca/childsupport.

Lawyers (and notaries in Quebec) can tell you how the guidelines apply in your situation and give you legal advice about your choices. A lawyer can review any agreement you make with the other parent to make sure your legal rights, and those of your children, are respected. A lawyer can also negotiate an agreement for you, talk with you about what you want and handle all the back-and-forth discussions with the other parent. If you have to go to court, a lawyer can represent you.

You may wish to seek the advice of a lawyer before you sign any agreement related to child support.

Family mediators can work with you and the other parent to help decide what you want to do. Mediators will ask questions and gather information to make you aware of your options and make your own decisions. They can often help you reach an agreement on the terms of your divorce, including child support.

Arbitrators are available to help you in some provinces and territories. Arbitrators listen to you and the other parent, then they make a decision. The difference between going to court and seeing an arbitrator is that you and the other parent can choose the arbitrator. An arbitrator may also use a less formal process than a court. You must both agree to follow what the arbitrator says for the process to work.

Public Legal Education and Information programs may be available in your province or territory. They can give you information on calculating child support.

Income tax specialists and accountants know the tax system. They can help you understand how your decisions affect you financially.

Enforcing a child support order or agreement

Who enforces child support orders and agreements?

In Canada, the provincial and territorial governments are responsible for enforcing child support orders and agreements. Each province or territory has its own maintenance or support enforcement legislation and enforcement program.

What do they enforce?

The maintenance enforcement programs must enforce the amounts outlined in the orders and agreements registered with the programs. The programs do not have the authority to change a child support amount or cancel arrears. For information on changing an order or agreement, please see *Changing an existing child support order or agreement* on page 28.

If you have questions about child support enforcement

Please contact your provincial or territorial maintenance enforcement program. Contact information is listed under *Maintenance Enforcement Programs contact information* on page 38 of this booklet. Contact information is also available on the Department of Justice Canada Internet site at www.justice.gc.ca/childsupport.

Changing an existing child support order or agreement

Child support orders and agreements cannot predict and provide for all the changes that can occur in the lives of parents and their children. To protect the best interests of your children, and to make sure the amount is objective and fair, you may sometimes have to change the child support amount.

Variation orders and agreements

If you and the other parent agree to change the amount of child support you pay or receive, you may:

- change your existing written agreement, or
- change your existing court order by going back to court.

If you and the other parent do not agree, either of you may ask the court to decide for you. The court must use the guidelines to determine the appropriate amount unless there are special circumstances or you and the other parent are seeking a consent order. In these two situations the court may order a different amount of child support after looking at what the guideline amount would be before adjusting the child support.

How to change a court order or written agreement on child support made before May 1, 1997

The *Federal Child Support Guidelines* came into force on May 1, 1997. Under the guidelines, anyone who has a child support order or written agreement made before May 1, 1997 can change it to reflect the guidelines and the change in tax rules described below even if nothing else has changed. The parents can both agree to the change or, if they cannot agree, either parent can ask a judge to change the child support order or written agreement to reflect the amounts in the guidelines.

The impact of the 1997 *Income Tax Act* changes

The way child support is taxed was changed in 1997. Under the rules set out in 1997, a person:

- who pays child support does not claim the amount of child support paid as a deduction, and
- the person who receives child support does not include the amount of child support received as income.

The 1997 changes apply to any amount of child support set out in a court order or written agreement made on or after May 1, 1997.

Tax treatment for orders or agreements made before May 1, 1997

This is different from the way child support payments are treated under the *Income Tax Act* for court orders or written agreements made before May 1, 1997 and not varied since then. For these orders or written agreements, the person paying child support can claim the amount paid as a deduction and the person receiving the child support payments has to declare the payments as income.

Parents with child support orders or written agreements made before May 1, 1997, have three options.

1. **Do nothing**

   You and the other parent can decide not to change your existing child support order or agreement.

2. **Change the court order or written agreement**

   You and the other parent can agree to change the child support amount and get a new court order or negotiate a new written agreement based on the guidelines and 1997 tax rules.

3. **Change the way child support payments are treated for tax purposes**

   If you and the other parent agree to keep the amount of child support the same and simply change how it is treated for tax purposes you can do so easily.

You can both sign and file Canada Revenue Agency Form T1157, *Election for Child Support Payments*, with the Canada Revenue Agency. This action does not change any terms of your pre-May 1, 1997, court order or written agreement, except for the way the payments are treated for tax purposes.

Changing a court order or written agreement on child support made *before* May 1, 2006

The Federal Child Support Guidelines, including the table amounts, were amended on May 1, 2006. Under the guidelines, anyone who has a child support order or written agreement made before May 1, 2006 can change it to reflect the new guidelines or table amount, even if nothing else has changed. The parents can both agree to the change and get a new court order or negotiate a new agreement or, if they cannot agree, either parent can ask a judge to decide.

Recalculation Services

Somes provinces have established a child support service to recalculate child support amounts annually based on updated income information. This can reduce the need to go to court. For information on whether this service is available where you live, please call the general inquiries number for your province or territory, on page 36 of this booklet. You may also use the guidelines to calculate a new amount based on new income information.

Glossary

These definitions may help you understand child support terms. They are not legal definitions. For a legal definition of these terms, you may wish to consult a lawyer.

age of majority

A person at the age of majority is legally an adult in the province or territory in which he or she lives. If the child normally lives outside of Canada, the child's age of majority is presumed to be 18. See page 9 for more information.

annual income

Annual income is the amount of money a person earns from all sources, including employment, self-employment and investments in one year.

case law

The law based on decisions by judges. Case law reflects how the courts interpret laws.

child of the marriage

The *Divorce Act* defines a child of the marriage as "a child of two former spouses." The term applies to both birth and adoptive children. It may also include children of one spouse for whom the other spouse acted in place of a parent. As well, it may include children who have reached the age of majority, but are dependent on their parents.

child support tables

Please see *Federal Child Support Tables*.

comparison of household standards of living test

The second step of a two-step test that courts use to assess undue hardship. Please see page 21 for more information.

designation

If a province or territory creates its own guidelines and they are different from the federal guidelines, the *Divorce Act* allows the federal government to "designate" that province or territory. This means that the province's or territory's guidelines apply in place of the federal guidelines when both parents live in that province or territory, whether they divorce or separate.

Divorce Act

The federal law that sets out the rules for legally ending a marriage.

enforcement

Please see *maintenance enforcement*.

Federal Child Support Guidelines

The regulations under the *Divorce Act* that apply when setting child support amounts. The guidelines consist of a set of rules and tables. The guidelines are the law.

Federal Child Support Tables

The tables are part of the *Federal Child Support Guidelines*. They show the basic amount of child support based on income. There is a separate table for each province and territory to reflect different tax rates between provinces and territories.

household standard of living

Please see *comparison of household standards of living test.*

imputing income

If a judge feels that the amount of income a parent claims is not a fair reflection of his or her income, it may attribute (impute) income to that person. For example, the judge may attribute income where a parent is exempt from paying federal or provincial income tax, or where a parent refuses to show income information when under a legal obligation to do so.

in loco parentis

Please see *spouse who acts in place of a parent.*

maintenance enforcement

Legal means of compelling child support payments. The provinces and territories are primarily responsible for enforcing child support orders and agreements.

maintenance enforcement programs

Each province and territory has laws and programs to enforce child support payments. See page 38 for a list of provincial and territorial enforcement programs.

mediation

A process in which a neutral third party helps parents set the terms of an agreement or consent order. Mediators are not marriage counsellors.

To protect their legal rights, parents may ask their lawyers to look at the agreement before they sign it.

parenting arrangements

The arrangements parents make for their children after separation or divorce, including where the children will live and how the parents will make decisions about things like schooling and healthcare.

paying parent

A parent, or a spouse who acts in place of a parent, who is legally obligated to pay child support.

receiving parent

A parent, or a spouse who acts in place of a parent, who is legally entitled to receive child support.

shared custody

The guidelines use the term "shared custody." Shared custody can apply if both parents have the child in their care for at least 40 percent of the time over the course of the year.

sole custody

The guidelines use the term "sole custody" to refer to all arrangements where the child lives with one parent at least 60 percent of the time over the course of the year.

special circumstances

In some situations, a court order or a written agreement between the parents may also benefit the child.

For example, if the paying parent transferred the family home to the other parent, without being compensated, so the children would not have to move, the amount in the guidelines may not be fair. Both parents would have to agree that this is the case or a court would have to rule on the matter.

special expenses

Special or extraordinary expenses are expenses that the table amounts may not cover. Under the guidelines, special expenses must be:

- necessary in relation to the child's best interests, and
- reasonable given the means of the parents and the child and the family's spending pattern before the separation.

For example, these expenses could include day-care expenses, expenses for post-secondary education, or orthodontic expenses.

split custody

Split custody describes an arrangement where:

- one or more children live with one parent more than 60 percent of the time in the year, and
- one or more children live with the other parent more than 60 percent of the time in the year.

spouse who acts in place of a parent

A person, usually a stepparent, who acts in place of a parent towards a child of the other spouse. The latin term *in loco parentis* is sometimes used.

standard of living

Please see *comparison of household standards of living test.*

tables

Please see *Federal Child Support Tables.*

undue hardship

In general, undue hardship refers to excessive financial difficulties. Under the guidelines, either parent may ask for a different child support amount at a higher or lower level if the parent or the child is experiencing undue hardship.

For example, this provision could apply where a parent has incurred unusually high debts from supporting the family prior to the separation. A two-step test must be used to determine undue hardship. First, it must be determined whether the parent requesting the change is in circumstances that would make it difficult either to pay the required amount or to support the child on that amount. Second, the standards of living of both households must be compared. The income of every member of both households must be looked at to compare standards of living. If the parent claiming undue hardship cannot prove that his or her household's standard of living is lower than the other parent's, the claim for undue hardship must be rejected.

variation order

A court order that changes some or all of the terms of an existing order.

Questions and answers

What are the amounts in the Federal Child Support Tables based on?

The figures in the tables reflect the average amount of money that Canadians at various income levels spend to raise a child. Economic research on family spending shows that there is no single fixed cost of raising a child. In general, families of similar size and income spend the same proportion of after-tax income on children. So the cost of raising a child depends on how much income, and how many children the family has.

The guidelines help ensure that all families in similar circumstances (that is, living in the same province or territory and with the same income and number of children) pay the same basic amount of child support before adjustments are made. The amounts are also intended to ensure that paying parents can still support themselves. The tables take into account the taxes payable and therefore gross income is used to apply them. The amounts vary by province and territory to account for differences in provincial and territorial income tax rates.

The amounts in the child support tables were updated on May 1, 2006 to reflect more recent tax rules.

Why are the table amounts based on gross income?

Gross income is considered a fairer reflection of income because net income allows a large number of discretionary deductions that can make it difficult to set fair levels of support. Also, the formula behind the tables already accounts for the taxes a parent will pay.

Do the guidelines take into account the income of the receiving parent?

The guidelines set the paying parent's contribution in accordance with the average proportion of income that a person at that income level spends on his or her children. In other words, the guidelines ask "what would a parent with this income usually spend on his or her children?" and set the support payment accordingly. The parent's financial contribution is set according to his or her own income.

The receiving parent is expected to contribute a similar share of his or her income to meet the costs of raising the child. The standards of living of the child and the receiving parent are inseparable because the child resides in his or her household. This approach allows the children to continue to share in increases or decreases in their parents' income, just as they would have if the two parents had continued to live together.

The receiving parent's income must also be considered:

- when deciding special expenses,
- if you or the other parent claims undue hardship,
- when you and the other parent split or share custody,

- *when a child is at or over the age* of majority and you are not using the guidelines as if the child was under the age of majority,
- if the paying parent earns more than $150,000 a year, or
- if one of you has acted in place of a parent to the other parent's child.

What if you don't want child support from the other parent?

If you are getting a divorce, a judge must be satisfied that you have made reasonable arrangements to support your children. The judge can refuse to grant your divorce if he or she feels your child support arrangements are not reasonable.

What if the paying parent's income is very low?

The guidelines set a minimum income level for paying parents. The minimum level represents the amount of income a person needs to meet his or her basic needs. If your income is below that level, you do not have to pay child support. However, the court may attribute income to you if it finds the income amount you claim does not accurately represent your actual or potential income.

If you remarry, does the income of your new spouse affect child support amounts?

The only time a new spouse's income is considered is when either parent pleads undue hardship. In deciding undue hardship, you and the other parent must compare the standards of living of your two households. To do this, you must take into account the *income of every member of each household.* (See page 54)

If you have a second family, do you still have to pay child support?

Under the law, you have an ongoing obligation to financially support your children even if you have new family responsibilities.

But the guidelines also recognize that, in some situations, the amount of child support in the tables, combined with other circumstances, could create undue hardship for either parent or for the children. Having a second family to support is an example of a situation that could cause undue hardship. However, you cannot reduce your obligations to your first family unless a comparison of both households shows that the second family would have a lower standard of living if the support payments were not reduced. In comparing household standards of living, the court considers the income of all household members as well as the number of people in each household. If undue hardship has been proved, the court can adjust the child support amount.

For more information, please see step 8 of this booklet, *dealing with undue hardship* on page 21.

Do the guidelines take into account any special circumstances in a divorce or separation agreement?

The *Divorce Act* recognizes that there are special circumstances when the amount in the guidelines may not be appropriate.

For example, if the paying parent transferred the family home, without being compensated, to the other parent so the children would not have to move, the amount in the guidelines

may not be fair. Both parents would have to agree that this is the case or a court would have to rule on the matter.

Do the guidelines still apply if a parent lives outside Canada?

If you pay child support, you must keep paying the child support amount set out in your court order or agreement, in Canadian dollars.

If you receive child support, the other parent must keep paying child support in Canadian dollars. The federal table for the province of the parent living in Canada will apply.

If the paying parent does not continue to provide child support after moving to another country, you may wish to contact your provincial or territorial maintenance enforcement program (MEP). The MEP can give you information about enforcing a child support order when the paying parent lives outside Canada. Please see page 38 for a list of provincial and territorial enforcement programs.

How can you get copies of the tables or this booklet?

All the federal tables and this booklet are available on the Internet at www.justice.gc.ca/childsupport. You may also order copies of the federal tables (please give the names of the provinces or territories you need tables for) or more copies of this publication, free of charge, in the following ways.

By e-mail

support-pensions@justice.gc.ca

By telephone

National Capital Region: (613) 946-2222

Canada and the continental United States: 1-888-373-2222

By mail

Publications
Family, Children and Youth Section
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario
K1A 0H8

Do you have questions?

If you have questions this booklet doesn't answer, you can find more information online at www.justice.gc.ca/childsupport. You may also call the Department of Justice Canada's Family Law Information Line at 1-888-373-2222.

Directory of resources

Provincial and territorial child support information

Alberta

Edmonton Family Law Information Centre	(780) 415-0404
Calgary Family Law Information Centre	(403) 297-6600
Toll-free access from other areas within Alberta	310-0000
Internet: *Alberta Justice Department*	www.gov.ab.ca

British Columbia

British Columbia Family Justice Service Info Line	1-888-216-2211
Vancouver	(604) 660-2192
Elsewhere in B.C.	1-800-668-3637
Internet: *B.C. Family Justice Website*	www.ag.gov.bc.ca/family-justice/index-htm

Manitoba

Manitoba	1-800-282-8069 ext. 0268
Winnipeg	(204) 945-0268
Internet: *Government of Manitoba*	www.gov.mb.ca

New Brunswick

New Brunswick	1-888-236-2444
Internet: *New Brunswick Department of Justice*	www.gov.nb.ca/justice

Newfoundland and Labrador

Newfoundland and Labrador	(709) 729-1864
Internet: *Newfoundland Department of Justice*	www.gov.nf.ca/just

Nova Scotia

Toll-free access within Nova Scotia	1-800-665-9779
Halifax	(902) 455-3135
Internet: *Nova Scotia Department of Justice*	www.gov.ns.ca/just

Northwest Territories

Toll-free access within Northwest Territories	1-800-661-0798
Yellowknife	(867) 920-3378
Callers should say they want to speak to someone about child support guidelines	
Internet: *Northwest Territories Department of Justice*	www.justice.gov.nt.ca

Nunavut

Iqaluit	(867) 975-6137
Internet: *Government of Nunavut*	www.gov.nu.ca

Ontario

Ontario	1-800-980-4962
Internet: *Ontario Ministry of Attorney General*	www.attorneygeneral.jus.gov.on.ca

Prince Edward Island

Community Legal Information Association	1-800-240-9798
Child Support Guidelines Office:	
Charlottetown	(902) 368-6220
Summerside	(902) 888-8188
Internet: *Government of Prince Edward Island*	www.gov.pe.ca

Quebec

Communication Québec	1-800-363-1363
Quebec Justice Department	(418) 643-5140
	1-866-536-5140
Internet: *Quebec Ministry of Justice*	www.justice.gouv.qc.ca

Saskatchewan

Saskatchewan	1-888-218-2822
Internet: *Government of Saskatchewan*	www.gov.sk.ca

Yukon

Yukon	1-800-661-0408 Ext. 3066
Whitehorse	(867) 667-3066
Internet: *Government of Yukon*	www.gov.yk.ca

Maintenance Enforcement Programs contact information

Alberta
Alberta Maintenance Enforcement Program
Box 2404
Edmonton, AB T5J 3Z7
Tel.: (780) 422-5555
www.justice.gov.ab.ca/mep/

British Columbia
Family Maintenance Enforcement Program Enrollment Office
Box 5100
Victoria, BC V8R 6N3
Greater Vancouver: (604) 775-0796
Greater Victoria: (250) 356-5995
Elsewhere in B.C.: 1-800-668-3637
www.fmep.gov.bc.ca/

Manitoba
Maintenance Enforcement Program
225 – 405 Broadway
Winnipeg, MB R3C 3L6
Tel.: (204) 945-7133
www.gov.mb.ca/justice/family/law/mep.html

New Brunswick
The Family Supports Orders Service
Centennial Building
P.O. Box 6000
Fredericton, NB E3B 5H1
General Information: (506) 453-2583
www.gnb.ca/0062/fsos/

Newfoundland and Labrador
Support Enforcement Division
P.O. 2006
Corner Brook, NL A2H 6J8
Tel.: (709) 637-2608
www.justice.gov.nl.ca/just/CIVIL/supportenforce.htm

Northwest Territories
Maintenance Enforcement Program
3rd Floor, Panda II Mall
Box 1770
Yellowknife, NT X1A 2L9
Tel.: 1-800-661-0798 (N.W.T. residents only)
(867) 920-3378
www.justice.gov.nt.ca/Maintenance/maintenance.htm

Nova Scotia
Maintenance Enforcement Program Central Enrollment Unit
Department of Justice
P.O. Box 803
Halifax, NS B3J 2V2
Tel.: (902) 424-2101
www.gov.ns.ca/just/maint.htm

Nunavut
Nunavut Court of Justice
P.O. Box 297
Iqaluit, NU X0A 0H0
Tel: (867) 975-6137
www.gov.nu.ca/Nunavut/English/phone/justice.shtml

Ontario
Family Responsibility Office
P.O. Box 220
Downsview, ON M3M 3A3
Tel.: 1-800-267-7263 (automated service)
(416) 326-1818 (automated service)
Tel.: 1-800-267-4330 (live agent)
(416) 326-1817 (live agent)
TTY: 1-866-545-0083
www.thefro.ca

Prince Edward Island
Maintenance Enforcement Program
P.O. Box 2290
Charlottetown, PE C1A 8C1
Tel.: (902) 894-0383
http://eservices.gov.pe.ca/meps

Quebec
Support-payment collection program
Direction principale de la perception des pensions alimentaires
Ministère du Revenu
Gouvernement du Québec
3800, rue de Marly
Québec, QC G1X 4A5
Tel.: 1-800-488-2323/(418) 652-4413
www.revenu.gouv.qc.ca/eng/particulier/pens_alim/programme/index.asp

Saskatchewan
Maintenance Enforcement Office
Box 2077
Regina, SK S4P 4E8
Tel.: (306) 787-1418
www.saskjustice.gov.sk.ca/FamilyJustice

Yukon
Maintenance Enforcement Office
P.O. Box 2703 (J-3M)
Whitehorse, YT Y1A 2C6
Tel.: (867) 667-5437 (general inquiries)
Toll-free outside Whitehorse 1-877-617-5347
www.yukonmep.ca

Sources of more information

Federal Child Support Guidelines
Department of Justice Canada
Family, Children and Youth Section
284 Wellington St.
Ottawa, ON K1A 0H8
Toll-free: 1-888-373-2222
National Capital Region: (613) 946-2222
Internet: www.justice.gc.ca/childsupport

Income Tax rules
Canada Revenue Agency 1-800-959-8281
For information on taxation and support payments, please see Canada Revenue Agency Form P102.

Referral Services

Newfoundland and Labrador	(709) 722-2643
Nova Scotia	(902) 455-3135
Prince Edward Island	(902) 892-0853
New Brunswick	(506) 458-8540 (For in-province requests only)
Quebec	(514) 954-3413
Ontario	1-900-565-4577 (For in-province requests only)
	(416) 947-3330 (For in-province requests only)
Manitoba	(204) 943-2305
Saskatchewan	1-800-667-9886 (For in-province requests only)
	(306) 359-1767
	(306) 359-3317
Alberta	(403) 228-1722
Greater Vancouver	(604) 687-3221
Elsewhere in B.C.	1-800-663-1919
Northwest Territories	(867) 873-3828
Nunavut	(867) 979-5377
Yukon	(867) 668-4231

How to find a family mediator
Each province and territory has mediation services available to couples who are separating. To find the service nearest you, please call the numbers for your provincial or territorial government's child support information line or call the Department of Justice Canada, toll-free, at 1-888-373-2222.

To find the names of private mediators in your community, please look in the Yellow Pages under "Mediators" or "Mediation Services."

Worksheets and line-by-line help

This section contains three worksheets and three child support records:

- You can use Worksheet 1 to help you calculate annual income for child support purposes.
- You can use Worksheet 2 to help you calculate amounts for special expenses.
- You can use Worksheet 3 to help you compare the standards of living of both households when there is a claim of undue hardship.
- The Child Support Records can help you keep track of your amounts from each worksheet.

This section also includes line-by-line help for Worksheets 1, 2 and 3. Line-by-line help gives you more information on how to use the worksheets.

Line-by-line help for Worksheet 1

Calculating your annual income

Can you use this worksheet?

You can use this worksheet if:

- you pay or will pay child support,
- you or the other parent is asking for an amount for special expenses, or
- you or the other parent is claiming undue hardship.

Before you start

Have your documents ready

To complete this worksheet, you will need the most recent income information for:

- you, and
- any person whose income is needed to calculate child support amounts.

Please see page 15 for more information.

The documents you will need include:

- federal income tax returns for the past three taxation years,
- the schedules to those federal income tax returns,
- Canada Revenue Agency notices of assessment and notices of reassessment, and
- pay slips or other income records, if you need them.

Use up-to-date income information

If the information in your federal income tax returns and schedules reflect your most recent income information, you can use that information to complete this worksheet.

If your income has changed since you filed your federal income tax return you should use information from:

- the Canada Revenue Agency notice of assessment or reassessment,
- recent pay slips, or
- other income records.

See step 5 on page 15 for information on calculating income for child support under the guidelines.

Use only the parts of this worksheet that apply to you

This worksheet has a lot of lines to cover all income possibilities. If your source of income is straightforward, you will only need to fill in a few lines to complete the worksheet. Skip any lines that do not apply to your situation.

Does your income change a lot from year to year?

If your income changes a lot from year to year, you can look at your income over the

last three years to calculate your average annual income for the guidelines if that would most closely reflect your actual income.

Are you a director, officer or shareholder of a corporation?

If you are a director, officer or shareholder of a corporation, your income tax return might not fairly reflect all the money available to you for child support. In that case, you may need to consider other factors to establish your annual income for child support purposes.

You can look up definitions of income tax terms

Worksheet 1 refers to many income tax terms used by the Canada Revenue Agency. For example, the worksheet refers to "carrying charges." For a definition of "carrying charges" and other terms, please refer to the Canada Revenue Agency publication called *General Income Tax and Benefit Guide.*

Total income before adjustments

line 1 – total income

You can use the amount on line 150 of your federal income tax return, if the return provides complete and up-to-date income information.

You may not always have an income tax return if, for example, you filed your income tax return by e-mail or telephone. In that case, you can use the amount on line 150 of your notice of assessment or notice of reassessment. **Copy the amount from line 150 onto line 1.**

If your federal income tax returns and schedules reflect your most recent income information, you can use that information to complete this worksheet. If your income has changed since you filed your federal income tax return you should use information from:

- the Canada Revenue Agency notice of assessment or reassessment,
- recent pay slips, or
- other income records.

Copy your annual income based on those records on line 1.

There may be reasons why even the up-to-date income amount is still not the best reflection of your total income for child support. Please see *If line 150 does not contain the most recent income information* on page 24 of this booklet. If any of these circumstances apply to you, you can agree with the other parent on how they will affect income and change the amount on line 1. If you cannot agree, you can consider asking a professional, such as a mediator, for help or you can ask the court to decide for you.

Adjustments to total income

Deductions from income (use annual amounts)

You can deduct certain amounts from your income to calculate your annual income for child support purposes. Lines 2 to 10 list the items you can subtract from your line 1 income.

line 2 – any taxable child support received

Copy an amount on line 2 only if:

- you received child support under an agreement or court order made **before** May 1, 1997, **and**
- the total income amount you wrote on line 1 included that child support.

Look on line 128 of your federal income tax return to find the amount of **child** support you received during the year.

Please note that line 128 reports both taxable child and spousal support. Your court order or written agreement may set out how much of this amount is for child support and how much is for spousal support.

line 3 – spousal support received from the other parent

Copy an amount on line 3 only if the total income amount you wrote on line 1 includes spousal support. Look on line 128 of the federal income tax return to find the amount of **spousal** support you received during the year from the other parent.

Please note that line 128 reports both taxable child and spousal support. The amount of child support that you wrote on line 2 plus the amount of spousal support should equal the amount on line 128 of the federal income tax return. **Copy the amount of spousal support received from the other parent on line 3.**

line 4 – total expenses related to earning income

Find lines 212 and 229 of the federal income tax return, which are for expenses related to earning income. **Copy the total of these expenses to line 4.**

line 5 – social assistance

Find line 145 of the federal income tax return. To find the amount of social assistance received for other family members, copy the total amount of social assistance for the family that you receive on line 5A below. Identify the portion of this amount that is for your benefit. (If it is not clear what amount should be included for social assistance for you, please contact the social assistance office.) Copy your portion of social assistance on line 5B. Line 5A minus line 5B gives you the amount of social assistance received for other members of the family. **Copy the amount on line 5C below to line 5 on Worksheet 1.**

To calculate social assistance received for other members of the household

_____ – _____ = _____

line 5A line 5B line 5C

line 6 – dividends from taxable Canadian corporations

Find line 120 of the federal income tax return and copy the amount listed there to line 6A below. Next, determine the total amount of **dividends** received (usually found on your T5 slips). Copy that amount to line 6B. Finally, subtract the amount on line 6B from the amount on line 6A to calculate the excess portion. **Copy the amount on line 6C below to line 6 of Worksheet 1.**

To calculate the excess portion

_____ – _____ = _____

line 6A line 6B line 6C

line 7 – business investment losses

Find line 228 of your federal income tax return. **Copy the amount of any business investment losses suffered during the year onto line 7.**

line 8 – carrying charges and interest

Find line 221 of the federal income tax return. **Copy the amount for the carrying charges and interest expenses onto line 8.**

line 9 – prior-period earnings

This line will apply to you only if you are calculating income for any year before 2005. For tax year 2004 and the years before, your self-employed income for 12 months may include a reserve amount. (A reserve amount is an additional amount earned in a prior period). You must subtract the prior-period amounts from income. Prior-period amounts are on Canada Revenue Agency Form T1139 *Reconciliation of Business Income for Tax Purposes*, for years prior to 2005.
Copy the prior-period amount to line 9.

line 10 – partnership or sole proprietorship

If you earned income through a partnership or a sole proprietorship, deduct any amount included in your income that is required by the partnership or sole proprietorship for capitalization purposes. **Copy the amount on line 10.**

line 11 – deductions to total income

To calculate the deductions to total income, add lines 2 to 10. **Copy the total on line 11.**

Additions to income (use annual amounts)

The income amount you report on line 150 of the federal income tax return does not include all types of income needed to calculate child support amounts. You must add the following amounts on lines 12, 13, 14 and 15.

line 12 – net actual gains

There are two kinds of capital gains: recurring and non-recurring. A recurring capital gain has an ongoing effect on your income: for example if you regularly buy and sell stocks. A non-recurring capital gain is a rare, or even a once-in-a-lifetime event: for example when you sell a cottage.

In most cases, if you have recurring capital gains, you must take into account the entire amount, as the amount on line 1 includes only taxable capital gains.

If you have non-recurring capital gains, the amount you include on Worksheet 1 may be excluded from this calculation.

To calculate the amount of capital gains for line 12

*Total capital gains (line 197 of "Schedule 3–Capital Gains (or Losses)" of the federal income tax return)

12A _____

Reported capital gains (line 127, federal income tax return)

12B _____

Capital gains for the guidelines (line 12A minus 12B)

12C _____

(Copy line 12C to line 12 in Worksheet 1)

*The amount on line 197 of Schedule 3 equals the total of capital gains for the year minus any capital losses. If this amount is zero or less than zero, copy "0" to line 12.

The amount you wrote on line 12A should not include any non-recurring gains or losses already accounted for in line 1.

line 13 – amounts to a non-arm's length individual

If you are self-employed and you have a business relationship with an individual like a family member (called a non-arm's length relationship), include any income amount for salaries, benefits, wages, management fees or other payments paid to, or on behalf of, the other person.

You don't need to include the amount if it is reasonable and it was necessary for you to have paid the amount to earn the self-employment income. **Copy the amount to line 13.**

line 14 – capital costs for real property

Include the amount you deducted for capital cost allowance for real property (for example, buildings). **Copy the amount to line 14.**

line 15 – employee stock options

Complete this line when you have exercised a stock option to purchase shares of a Canadian-controlled private corporation or a publicly traded corporation that is subject to the same tax treatment regarding stock options as a canadian-controlled private corporation.

To calculate the value of an employee stock option

Value of shares acquired through the exercise of a stock option (multiply the market value of one share by the number of shares)

15A _____

Amount paid for the stock options

15B _____

Amount paid for the shares

15C _____

Cost of shares (add lines 15B and 15C)

15D _____

Value of stock options (15A minus 15D)

15E _____

(Copy line 15E to line 15 in Worksheet 1)

Copy "0" on line 15 if you sold the shares in the same year you exercised the stock options to obtain the shares.

line 16 – total additions to income

Add lines 12, 13, 14 and 15. **Copy the total to line 16.**

line 17 – total income

Subtract line 11 from line 1 and add line 16. **Copy the result to line 17.**

line 18 – annual income for the guidelines

Some parents may still need to do one more calculation to bring the income amount up to the level a judge would consider appropriate for the purposes of the guidelines. Please see *More information on calculating annual income* on page 23 of this booklet for examples of situations when this may occur.

If none of these apply to you, simply **copy the amount from line 17 to line 18.**

If one or more of these circumstances does apply to you, you may wish to change your income amount and **copy the new amount to line 18.** If you decide to add an amount to your income, that amount is discretionary, and you and the other parent should agree on it. If you cannot agree, you can ask a judge to decide.

Line-by-line help for Worksheet 2

Special expenses

What are special expenses?

Special expenses are expenses that the amounts in the child support tables may not cover. The guidelines define special or extraordinary expenses as expenses that are:

- necessary in relation to the child's best interests, and
- reasonable in relation to the means of the parents and the child, and the family's spending patterns before the separation.

Can you use this worksheet?

You can use this worksheet if:

- you have a sole custody or split custody parenting arrangement, and
- your child requires special expenses.

This worksheet helps you:

- estimate each parent's share of special expenses, and
- calculate the amount that the paying parent is supposed to add to the child support table amounts to cover these special expenses.

As a general rule, each parent shares the expenses in proportion to his or her income, although parents may agree on a different way of dividing the expenses.

If you share custody

If you and the other parent share custody of your children, the guidelines do not set an amount of child support to be paid as they do for sole and split custody arrangements. The guidelines tell you to take other circumstances—like the increased costs of shared custody and the child's needs—into account when deciding on the amount of child support. However, if you share custody, you can still use this worksheet to get an idea of the total amount you have to spend to meet your children's needs, and each parent's ability to contribute to the expenses.

Before you start

Have your documents ready

To complete this worksheet, you will need information about the child's special expenses and both parents' incomes. This consists of at least the following:

- federal income tax returns for each parent for the past three taxation years,
- the schedules to those federal income tax returns,
- pay slips or other income records, if you need them,
- a completed Worksheet 1 for each parent, and
- the Canada Revenue Agency notices of assessment and reassessment for the past three taxation years.

If you or the other parent have a sole custody arrangement and one parent is requesting an amount for special expenses and	Then
neither you nor the other parent pays spousal support to the other parent	fill out parts A, B, and C.
you or the other parent pays spousal support to the other parent	fill out parts A, B, and D.

If you or the other parent have a split custody arrangement and one parent is requesting an amount for special expenses and	Then
neither you nor the other parent pays spousal support to the other parent	fill out parts A, B, and E.
you or the other parent pays spousal support to the other parent	fill out parts A, B, and F.

Use only the parts of the worksheet that apply to you

You may need extra copies of this worksheet

Lines 19 to 25 have four columns each. Use a separate column for each child. If you have more than four children, you will need to photocopy this worksheet or download a copy at www.justice.gc.ca/childsupport before you start.

Line-by-line help

part A

In this part, you will calculate the total amount you and the other parent spend on special expenses in one year.

When you calculate the amount of special expenses each parent will pay, you must take into account any subsidies, benefits or income tax deductions or credits relating to the expense.

line 19 – child-care expenses

Include all child-care expenses that the parent with whom the child lives incurs due to that parent's job, illness, disability, or training or education for employment. Child-care expenses for other reasons are not eligible. **Copy only eligible child-care expenses to line 19.**

line 20 – medical and dental insurance plan

If you pay into a medical or dental insurance plan for a child's benefit, then the portion of your contribution to the plan on behalf of your child is an eligible special expense. **Copy the amount of your contribution to the plan made for the child to line 20.** If the other parent also pays into a plan for the child, add your contributions together and **copy the total to line 20.**

line 21 – uninsured health-care expenses

Some children require health care that is paid for by a parent and not by a provincial or territorial public health plan or private insuance. When this health care costs more than $100 per year, after deducting any

If you or the other parent have a sole custody arrangement and one parent is requesting an amount for special expenses and	Then
neither you nor the other parent pays spousal support to the other parent	fill out parts A, B, and C.
you or the other parent pays spousal support to the other parent	fill out parts A, B, and D.

If you or the other parent have a split custody arrangement and one parent is requesting an amount for special expenses and	Then
neither you nor the other parent pays spousal support to the other parent	fill out parts A, B, and E.
you or the other parent pays spousal support to the other parent	fill out parts A, B, and F.

Use only the parts of the worksheet that apply to you

You may need extra copies of this worksheet

Lines 19 to 25 have four columns each. Use a separate column for each child. If you have more than four children, you will need to photocopy this worksheet or download a copy at www.justice.gc.ca/childsupport before you start.

Line-by-line help

part A

In this part, you will calculate the total amount you and the other parent spend on special expenses in one year.

When you calculate the amount of special expenses each parent will pay, you must take into account any subsidies, benefits or income tax deductions or credits relating to the expense.

line 19 – child-care expenses

Include all child-care expenses that the parent with whom the child lives incurs due to that parent's job, illness, disability, or training or education for employment. Child-care expenses for other reasons are not eligible. **Copy only eligible child-care expenses to line 19.**

line 20 – medical and dental insurance plan

If you pay into a medical or dental insurance plan for a child's benefit, then the portion of your contribution to the plan on behalf of your child is an eligible special expense. **Copy the amount of your contribution to the plan made for the child to line 20.** If the other parent also pays into a plan for the child, add your contributions together and **copy the total to line 20.**

line 21 – uninsured health-care expenses

Some children require health care that is paid for by a parent and not by a provincial or territorial public health plan or private insurance. When this health care costs more than $100 per year, after deducting any

amount received from an insurance plan, it may be considered a special expense. Health-care costs that might be special expenses include orthodontic treatment, speech therapy, prescription drugs, glasses, contact lenses, hearing aids, physiotherapy, occupational therapy and professional counselling provided by a psychologist, social worker or psychiatrist. **Copy the total amount of health-related special expenses paid by either parent on line 21.**

line 22 – education expenses

Include extraordinary expenses for primary or secondary school, and for any other educational programs that meet a child's particular needs. **Copy the amount of these extraordinary expenses paid by either parent to line 22.**

line 23 – post-secondary education expenses

Copy any amounts paid by either parent for a child's post-secondary education to **line 23.**

line 24 – extracurricular activity expenses

Copy the amounts paid by either parent for any extraordinary expenses for extracurricular activities to **line 24.**

line 25 – total amount for each child

Add lines 19, 20, 21, 22, 23 and 24 for each child. **Copy the total to line 25.**

line 26 – total amount for all children

Add lines 25A, B, C and D to get the total amount spent by both you and the other parent on special expenses for all your children.

part B

The purpose of Part B is to calculate the total amount of special expenses that the parents have to share. In this part, you subtract from the total amount of special expenses on line 26 any amounts that either parent receives to help pay for the expenses.

For lines 27 to 29, use a separate column for each child.

line 27 – contributions or subsidies from other sources

You, the other parent, or your child may receive a contribution towards a special expense. For example, a service organization might pay part of the costs of your child's hearing aid or a post-secondary school might offer your child a scholarship to help to pay tuition costs. **Copy all the amounts you and the other parent or the children received or are entitled to receive for special expenses on line 27.**

line 28 – child's contribution

Your child may pay part of a special expense. For example, your child may have a part-time job to help pay university tuition. **Copy all the amounts that your child contributes toward his or her special expenses on line 28.**

line 29 – amount received for each child

Add lines 27 and 28 for each child. **Copy the totals on line 29.**

line 30 – total amount received for special expenses

Add lines 29A, B, C and D to get the total amount received for special expenses.

line 31 – tax and benefit implications

A: calculate the total amount of tax relief

Tax rules allow a taxpayer to deduct certain child-related expenses from his or her income. This can reduce the amount of income tax the person has to pay. So, the parent who gets tax relief for a child-related expense saves money.

You will need to subtract the amount of this tax relief when you calculate the total cost of special expenses.

Categories of child-related expenses that qualify for tax relief include:

1. Child-care expenses (line 214, federal income tax return)
2. Educational expenses that a child transfers to a parent (line 324, federal income tax return)
3. Medical expenses (line 332, federal income tax return)

You need to estimate the amount of tax relief each parent gets for expenses relating to the children and copy this amount to line 31. Only do this calculation when a parent is claiming or intends to claim the expense on his or her income tax return.

One way to find out the amount of tax relief is to complete an income tax return for each parent who has child-related expenses.

In some families, only one parent will have amounts to copy on lines 214, 324 or 332 of the federal income tax return. In other families, both parents will have amounts.

There are specific rules about who is eligible to claim a deduction for child-care expenses. You may wish to refer to the Canada Revenue Agency's *General Income Tax and Benefit Guide* for more information.

You may wish to follow these steps to estimate your tax relief amount:

Step 1 Use a blank income tax return to simulate two situations. (These income tax returns are for your use only; you do not need to submit them to the Canada Revenue Agency.) Complete the first tax return with the appropriate amounts written on lines 214, 324 and 332 to calculate the tax that would be payable at line 435. You may only need to fill in one line or you may have special expenses to include on two or all three lines.

Step 2 Now, do the income tax return again leaving lines 214 and 324 blank and reduce the amount on line 332 by the amount spent on the child. Calculate the tax that would be payable at line 435.

Step 3 Now, you need to compare the two tax amounts. Subtract the amount of tax payable when special expenses have been included in the tax return from the amount of tax payable when no special expenses were taken into account. The difference is the amount of that parent's tax relief.

If the other parent can claim a deduction for any of the same special expenses, follow steps 1, 2 and 3 for that parent, too. Copy the total amount of tax relief for both parents to this line.

_____

line A

B: calculate the increase in federal and provincial benefits (not included on tax return)

Because special expense deductions may lower a parent's taxable income, any benefits that parent receives may increase. For example, the lower a parent's taxable income, the higher the National Child Benefit and some provincial benefits may be.

Compare the net incomes from steps 1 and 2 above. If they are the same, you do not need to complete this section. If the net incomes are different, calculate the benefits receivable for each net income. Copy the total difference between these benefit amounts for both parents to this line.

_____

line B

For more information on tax benefits and how they can affect your taxable income,

you may wish to contact the Canada Revenue Agency at 1-800-959-8281, or visit the Canada Revenue Agency's Internet site at www.cra-arc.gc.ca.

Add lines A and B above to find the total tax and benefit implications. **Copy this total to line 31 of Worksheet 2.**

line 32 – total amount to help pay special expenses

Add line 30 and line 31 to get the total amount received to help pay for the special expenses listed in Part A. **Copy the total on line 32.**

line 33 – total amount of special expenses parents have to share

Line 26 minus line 32 gives you the total amount of special expenses. **Copy this amount on line 33.**

part C or part D – sole custody arrangement

Part C or part D helps you to calculate the portion of the special expenses that each parent should pay in a sole custody arrangement. Use part C of this worksheet if neither parent pays spousal support to the other parent.

Use part D when one parent pays spousal support to the other parent so that the amount of spousal support is reflected in the calculation of annual income.

line 34A – paying parent's annual income

Copy the paying parent's annual income from Worksheet 1, line 18 on **line 34A.**

line 34B – receiving parent's annual income

You will need the completed Worksheet 1 for the receiving parent. Copy the receiving parent's annual income from Worksheet 1, line 18 on **line 34B.**

Note: Lines 35 to 38 are not necessary for the calculations in Part C. Please skip to the explanation for line 39 if you are completing Part C.

line 35 – spousal support received from the other parent

Copy the amount of spousal support that the parent receives from the other parent. In many cases, the amount of spousal support received will be in the "Parent receiving child support" column. However, sometimes the parent who has custody of the children, and receives child support for them, pays spousal support to the other parent. In that case only, the amount of spousal support received will be in the "Parent paying child support" column. Whatever your situation, the amount of spousal support received should appear in only one of the two columns for line 35.

line 36 – total

Add lines 34 and 35. **Copy the total to line 36.**

line 37 – spousal support paid to the other parent

Copy the amount of spousal support that the parent pays or is going to pay to the other parent. The amount of spousal support paid should appear in only one of the two columns for line 37.

line 38 – annual income for purposes of special expenses

To find the annual income amount of each parent to use to calculate each parent's share of special expenses, subtract line 37 from line 36 and copy this amount to line 38.

line 39 – total annual income for purposes of special expenses

If you are completing Part C, add lines 34A and 34B. **Copy the total on line 39.**

If you are completing Part D, add lines 38A and 38B. **Copy the total on line 39.**

line 40 – paying parent's income proportion

If you are completing Part C, divide line 34A by line 39. **Copy the result on line 40.**

If you are completing Part D, divide line 38A by line 39. **Copy the result on line 40.**

The purpose of this calculation is to find out what part of the total net annual income of both parents is earned by the paying parent. The number you will get when you divide the paying parent's income by the total income of both parents will usually be in decimal form, such as 0.66. Make sure you divide the smaller number by the larger number.

(**Note:** When the receiving parent has no income on line 34B in Part C, the result of the calculation will be '1' for the paying parent.) **Copy the total on line 41.**

line 41 – paying parent's share of special expenses

To calculate the **amount** of the paying parent's share of special expenses, multiply line 40 by the actual cost of special expenses on line 33. Please make sure that the amount on line 41 is a dollar amount, not a proportion. **Copy the total on line 41.**

line 42 – special expenses paid directly by the paying parent

The paying parent may be paying some special expenses directly. For instance, the paying parent may give an orthodontist a series of post-dated cheques to cover orthodontic work on a child for a year or pay tuition directly to a university.

When a paying parent is paying some special expenses directly, then the total amounts paid can be subtracted from the amount he or she has to pay the receiving parent for special expenses. Remember that the paying parent may receive tax relief for paying some special expenses. Please see line 31 for more information.

line 43 – annual amount of special expenses payable

Line 41 minus line 42 gives you the annual amount of special expenses that the paying parent will pay to the receiving parent. **Copy the total to line 43.**

line 44 – monthly amount of special expenses payable

Divide line 43 by 12 to find out how much the paying parent will pay each month to the receiving parent to share the costs of the children's special expenses. **Copy the total to line 44.**

part E or part F – split custody arrangement

Note: Parts E and F use the terms **parent A** and **parent B** to help you and the other parent keep track of your information. These terms could apply to either of you.

Part E or part F helps you to calculate the income of each parent and the portion of the special expenses that each parent would pay in a split custody arrangement. Use part E of this worksheet if neither parent pays spousal support to the other parent.

Use part F when one parent pays spousal support to the other parent so that the amount of spousal support is reflected in the calculation of annual income.

Line-by-line help for Worksheet 2

In part F use a separate column for each parent.

line 34A – annual income of parent A
Copy parent A's annual income from Worksheet 1, line 18 to **line 34A.**

line 34B – annual income of parent B

Copy parent B's annual income from Worksheet 1, line 18 to **line 34B.**

Note: If you do not pay spousal support to or receive spousal support from the other parent, you should be completing Part E of this worksheet. Lines 35 to 38 are not necessary for the calculations in Part E. Please skip to the explanation for line 39 if you are completing Part E.

line 35 – spousal support received from the other parent

Copy the amount of spousal support that one parent receives from the other parent. The amount of spousal support received should appear in only one of the two columns for line 35.

line 36 – total

Add lines 34A and 35A. **Copy the total to line 36A.** Add lines 34B and 35B. **Copy the total to line 36B.**

line 37 – spousal support paid to the other parent

Copy the amount of spousal support that one parent pays or is going to pay to the other parent. The amount of spousal support paid should appear in only one of the two columns for line 37 (A or B).

line 38 – annual income for calculating special expenses

To get the annual income of each parent to use to calculate each parent's share of special expenses, subtract line 37A from line 36A and **copy the total to line 38A.** Subtract line 37B from line 36B and **copy the total to line 38B.**

line 39 – total annual income for calculating special expenses

If you are completing **part E**, add lines 34A and 34B. **Copy the total to line 39.**

If you are completing **Part F**, add lines 38A and 38B. **Copy the total to line 39.**

line 40 – each parent's portion

If you are completing **Part E**, divide line 34A by line 39 and **copy the amount on line 40A**; and divide line 34B by line 39 and **copy the amount on line 40B.**

If you are completing **Part F**, divide line 38A by line 39 and **copy the amount on line 40A**; and divide line 38B by line 39 and **copy the amount on line 40B.**

The purpose of these calculations is to find each parent's share of the total net annual income. The number you will get when you divide the one income by the total income of both parents will usually be a number with a decimal, such as 0.66. Make sure you divide the smaller number by the larger number.

line 41 – amount of parent's share of special expenses

To calculate the amount of each parent's share of special expenses, multiply line 40A by the actual cost of special expenses on line 33 and **copy the total amount to line 41A.** Multiply line 40B by line 33 and **copy the total amount on line 41B.** Please make sure that the amount on lines 41A and B are dollar amounts, not a proportion.

line 42 – special expenses paid directly by parent

One parent may be paying some special expenses directly. For instance, a parent may give an orthodontist a series of post-dated cheques to cover orthodontic work on a child for a year or pay tuition directly to a university.

When a parent is paying some special expenses directly, then the total amounts paid can be subtracted from the amount he or she has to pay the other parent for special expenses.

Copy the real (net) amount of special expenses that each parent is paying directly for children in either parent's custody to line 42. Remember that you may receive tax relief for paying some special expenses. Please see line 31 for more information.

line 43 – annual amount of special expenses payable

Line 41A minus line 42A, and line 41B minus line 42B gives you the annual amount of special expenses that both parents will pay. Copy these amounts to lines 43A or 43B. The amounts on lines 43A and 43B should add up to zero. The parent who has the positive amount (the amount greater than zero) will pay this amount to the other parent.

line 44 – monthly payable amount of special expenses

Look at lines 43A and 43B and find the line that has the positive amount (the amount greater than zero). Then divide that amount by 12 to find out how much that parent owes to the other each month for the cost of the children's special expenses. Do the calculation only for the parent with the positive amount on line 43. Copy "0" in the final line of the box for the other parent.

Line-by-line help for Worksheet 3

Undue hardship

What is undue hardship?

Undue hardship refers to excessive financial difficulties. Under the guidelines, either parent may ask for a change in the child support amount if that amount causes undue hardship for either parent or a child.

Can you use this worksheet?

You can use this worksheet when there is a claim for undue hardship.

- Worksheet 3A is for one parent's household
- Worksheet 3B is for the other parent's household

Before you start

Identify all the members of your household

The members of your household are:

- you,
- any person who has a legal duty to support you, or any person you have a legal duty to support (for example, your new spouse),
- any person who shares living expenses with you or from whom you receive an economic benefit as a result of living with that person, if it is reasonable for that person to be considered part of the household (For example, you may live with your mother and your mother may contribute part of her pension to pay for food and household bills, or the house may be hers and you live there without paying rent. In that case, count your mother as a member of your household.), and
- any child you or any member of your household has a legal duty to support (for example, your child from another marriage or your new spouse's child).

Figure out who you should complete this worksheet for

In some households, the only person with an income will be you. In other households, either your new spouse or your new spouse's child may be considered income-earning members of the household. You must include their incomes in Worksheet 3.

You must fill in the column "Other Household Member" for every income-earning member of your household. When your household has more than three people whose incomes must be included in Worksheet 3, you will need to photocopy the worksheet before you complete it, or download another copy from www.justice.gc.ca/childsupport. (Do not repeat the information for either parent on this additional form.)

Every income-earning member of the household must complete Worksheet 1.

Have your documents ready

To complete this worksheet you will need both parents' and household members' most recent income information. This consists of at least the following:

- both parents' and household members' federal income tax returns for the past three taxation years,
- the schedules to those federal income tax returns,
- the Canada Revenue Agency notices of assessment and reassessment for the past three taxation years,
- pay slips or other income records, if you need them, and
- a completed Worksheet 1 for every income-earning member of the household.

You will need to complete Worksheet 1 for each income-earning member of both parents' households. Please note that this worksheet refers to "parent" throughout, but other household members may have to complete it as well.

Note: This worksheet uses the terms **parent A** and **parent B** to help you and the other parent keep track of your information. These terms could apply to either of you.

There are three steps to calculating income for undue hardship.

1. Calculate income of household income-earning members to compare standards of living.
2. Calculate adjustments to annual income to compare standards of living.
3. Calculate the household income ratio.

1. Calculate the income of your household members

line 45 – annual income

You need to complete Worksheet 1 for every income-earning member of your household. Copy the amount from line 18 of Worksheet 1 for each income-earning person in your household to line 45.

line 46 – spousal support received

Copy the amount of spousal support that you receive from the other parent, if any, on line 46. You will find this number on Worksheet 1, line 3.

line 47 – federal tax payable

When a person's latest federal income tax return is an accurate and up-to-date report on current income, deductions and credits, write the amount of federal taxes payable from line 420 of the federal income tax return on **line 47.**

When a person's income, deductions or credits have changed since the last tax return was filed, you will have to calculate the amount of federal taxes payable by filling in the up-to-date income, deductions and credit amounts on a federal income tax return. (You do not need to send this income tax return to anyone. It is just to help you with these calculations.) This will allow you to calculate the amount to write on lines 47 and 48. Use pay slips or other income records to update the income amount to use for the tax return. Page 24 has more information on what to do when income has changed since the last tax return was filed. When you have completed this updated income tax return, write the amount appearing on line 420 of the return on **line 47.**

Note: The figure on line 420 of the federal income tax return does not apply to Quebec residents. Refer to the *General Income Tax and Benefit Guide* for information on how to calculate actual federal taxes payable. For

example, consider how the Quebec abatement will affect federal taxes.

line 48 – provincial or territorial taxes

Write the amount of provincial or territorial taxes payable from line 428 of the federal income tax return on **line 48.**

Note: The figure on line 428 of the federal income tax return does not apply to most Quebec residents. Refer to the Quebec income tax return (and, if applicable, line 428 on the federal income tax return) to calculate actual provincial taxes payable. Please review the notes for line 47 about using the most up-to-date income information.

line 49 – EI premiums payable

Write the amount of premiums paid under the *Employment Insurance Act* from line 312 of Schedule 1 of the federal income tax return (from Box 18 on all T4 slips) on line 49. Please review the notes for line 47 about using the most up-to-date information.

line 50 – CPP and QPP premiums payable

Write the amount of contributions made to the Canada Pension Plan and the Quebec Pension Plan from lines 308 and 310 of Schedule 1 of the federal income tax return (from Box 16 and Box 17 on all T4 slips and in accordance with Schedule 8 of the federal income tax return) on line 50. Please review the notes for line 47 about using the most up-to-date information.

line 51 – total taxes and premiums payable

Add lines 47, 48, 49 and 50. **Write the total on line 51.**

line 52 – annual income to compare standards of living

Add lines 45 and 46 and subtract line 51. **Write the total on line 52.**

2. Adjustments to annual income to compare standards of living

Deductions from income

line 53 – annual amount that causes undue hardship

Line 53 applies only to a parent who is claiming undue hardship.

Note: If both you and the other parent are claiming undue hardship, both of you could have an amount on line 53.

First, figure out the amount that represents the circumstances that cause the parent or the children to suffer undue hardship.

Below is a list of some of the circumstances that might cause undue hardship. Read through the list and identify any that apply to your situation. Please note that there may be other circumstances not listed here that could also be considered to cause undue hardship.

- You or the other parent have to pay off unusually high debts that were reasonably incurred to support the family prior to separation.
- You or the other parent have to pay unusually high debts that were reasonably incurred to earn a living.
- You or the other parent have unusually high expenses for exercising access to a child.
- You or the other parent have a legal duty under a court order, or in a separation agreement to support another person.
- You or the other parent have a legal duty to support a child who is not a child of the marriage but is under the age of majority, or is over the age of majority and unable to support himself or herself because of an illness, disability or other cause (such as continuing schooling).

- You or the other parent have a legal duty to support a person unable to support himself or herself because of an illness or disability (for example, a new spouse who cannot work because of a disability).

Please note that if a parent claims that supporting a second family causes undue hardship, there is no amount to write on line 53. The costs for this second family are taken into account in the low-income measures amount that will be included on line 62.

Now, figure out how much these circumstances cost each year. For example, it may cost a parent a significant amount each year to see the children because they live far away. **Copy the amount to line 53.**

line 54 – annual amount of child support payable

This is the basic amount that either parent would pay according to the child support table if the claim for undue hardship were not made. For the purposes of line 54, this amount must be changed from a monthly amount to an annual amount.

Note: Line 54 applies **only to** the parents, not to other household members.

line 55 – annual amount of support payable

Line 55 represents the total amount that a parent or other household member pays for support under a court order or written separation agreement. This amount could include child support or spousal support.

Do not write any amount on line 55 if line 53 already includes this support, or if the amount of support includes child support payable for a child for whom the amount on line 54 is calculated.

line 56 – total deductions

For the parent, add lines 53, 54 and 55. Write the result on line 56. For other household member(s), copy the amount from line 55 to line 56.

Additions to income

line 57 – annual amount of child support received

This is the amount that either parent would receive according to the applicable child support table if the claim for undue hardship were not made.

For the purposes of line 57, this amount must be changed from a monthly amount to an annual amount.

Note: If you wrote an amount on line 54 for either parent, you should not write an amount on line 57 on that same parent's form. The amount should appear on line 57 of the form for the other parent.

line 58 – annual amount of child support received by any household member for another child

Write the annual amount that the parent or other household member receives for child support under a court order or a written separation agreement. **Do not write** an amount for any children who are included in the amount on line 57.

line 59 – total additions

For the parent, add lines 57 and 58. **Write the total on line 59.**

For the other household member(s), **copy the amount from line 58 to line 59.**

3. Calculate the household income ratio

line 60 – adjusted annual income

To calculate the adjusted annual income to compare standards of living, subtract line 56 from line 52 and add line 59. **Write the total on line 60.**

line 61 – total annual income

Add the amounts on line 60 for each member of the household and **copy the total to line 61.**

Line 61 shows the total amount of adjusted annual income for all members of a household. Before you compare standards of living, you must take this amount into account in relation to the size of your household.

line 62 – low-income measures amount

Line 62 provides a way to show that a household with two adults costs more to run than a household with only one adult, and that a household with three children costs more to run than a household with only one child. The guidelines provide a low-income measures chart (figures from Statistics Canada) that gives the minimum after-tax cost to run a household, according to the number of adults and children.

First, write down the total number of people in the two households in the box below.

Note: Count all the adults and children in the household, even if they have no income. (See *Before you start* on page 54 to identify household members.)

Household size
Write the number of household members
Parent A's household: ____ Adults ____ Children
Parent B's household: ____ Adults ____ Children

Find the appropriate line in the low-income measures table on page 59 for parent A's household size, and write the corresponding amount **on line 62 on Worksheet 3, part A.**

For example, if parent A's household has two adult members and two children, you would look under the heading "Four persons, 2 adults and 2 children" and write $20,764 on **line 62.**

Now do the same for parent B's household. Find the appropriate line in the low-income measures chart for the first parent's household size, and write the corresponding amount **on line 62 on Worksheet 3, part B.**

line 63 – household income ratio

Divide line 61 by line 62 for each parent's household. Write the answer on **line 63.**

Copy the figure on line 63 for parent A's household to line 63 on Worksheet 3, part A, page 70.

Copy the figure on line 63 for parent B's household to line 63 on Worksheet 3, part B, page 72.

The household with the smaller number on line 63 is the household with the lower standard of living. For example, if one household's standard of living is 1.33 and the other's is 1.55, the first household has the lower standard of living.

If the parent claiming undue hardship lives in the household with the higher standard of living, the child support amount cannot be changed.

If the parent claiming undue hardship lives in the household with the lower standard of living and both parents or the judge agrees that there is undue hardship, then the parents or the judge can change the amount of child support that would otherwise be payable under the guidelines.

Low-income measures			
Household size	**Low-income measures amount**	**Household size**	**Low-income measures amount**
One person		**Two persons**	
1 adult	$10,382	2 adults	$14,535
		1 adult and 1 child	$14,535
Three persons			
3 adults	$18,688	**Four persons**	
2 adults and 1 child	$17,649	4 adults	$22,840
1 adult and 2 children	$17,649	3 adults and 1 child	$21,802
		2 adults and 2 children	$20,764
		1 adult and 3 children	$20,764
Five persons		**Six persons**	
5 adults	$26,993	6 adults	$31,145
4 adults and 1 child	$25,955	5 adults and 1 child	$30,108
3 adults and 2 children	$24,917	4 adults and 2 children	$29,070
2 adults and 3 children	$23,879	3 adults and 3 children	$28,031
1 adult and 4 children	$23,879	2 adults and 4 children	$26,993
		1 adult and 5 children	$26,993
Seven persons		**Eight persons**	
7 adults	$34,261	8 adults	$38,413
6 adults and 1 child	$33,222	7 adults and 1 child	$37,375
5 adults and 2 children	$32,184	6 adults and 2 children	$36,337
4 adults and 3 children	$31,146	5 adults and 3 children	$35,299
3 adults and 4 children	$30,108	4 adults and 4 children	$34,261
2 adults and 5 children	$29,070	3 adults and 5 children	$33,222
1 adult and 6 children	$29,070	2 adults and 6 children	$32,184
		1 adult and 7 children	$32,184

"Low income cutoffs from 1994 – 2003 and low income measures from 1992 – 2001". Catalogue no. 75F0002MIE — No. 002, Research Paper, Income research paper series, Income Statistics Division, Statistics Canada, March 2004

Worksheet 1

Use this worksheet to calculate your annual income for child support purposes

You can use *Line-by-line help*, starting on page 41, to help you fill out this worksheet.

This worksheet applies to _____

(parent, other household member)

If you and the other parent agree on the annual income that would be considered appropriate should your case go to court, write that amount on line 18, without filling out any other lines on this worksheet.

Total income before adjustments

Total income	1 _____

Adjustments to total income

Deductions from total income (use annual amounts)

Child support received and included in total income	2 _____
Spousal support received from the other parent and included in total income	3 _____
Employment expenses	4 _____
Social assistance received for other members of the household	5 _____
Dividends from taxable Canadian corporations	6 _____
Actual business investment losses	7 _____
Carrying charges and interest expenses	8 _____
Prior-period earnings	9 _____
Sole proprietorship and partnership	10 _____
Total deductions from income (add lines 2 to 10)	11 _____

Worksheet 1

Additions to total income (use annual amounts)

Net capital gains	12 _____
Payments by a self-employed person to a family member or someone else not at arm's length	13 _____
Capital cost allowance for real property	14 _____
Employee stock options	15 _____
Total additions to income (add lines 12 to 15)	16 _____

Total income after adjustments

Total income with adjustments (line 1 minus line 11 plus line 16)	17 _____

Annual income for the guidelines

18 _____

Worksheet 2

Use this worksheet to calculate your share of special expenses

You can use Line-by-line help for Worksheet 2, starting on page 46, to help you complete this worksheet.

part A Total annual amount that you and the other parent spent on special expenses

For each child, write the total amount that both parents pay **each year** for any of the following expenses:

	Child's Name	Child's Name	Child's Name	Child's Name
Child-care expenses	19A _____	B _____	C _____	D _____
Medical and dental insurance premiums for the child	20A _____	B _____	C _____	D _____
Health-related expenses	21A _____	B _____	C _____	D _____
Extraordinary expenses for primary and secondary education	22A _____	B _____	C _____	D _____
Post-secondary education expenses	23A _____	B _____	C _____	D _____
Extraordinary expenses for extracurricular activities	24A _____	B _____	C _____	D _____
Total annual amount of special expenses spent on child (add lines 19 to 24 in each column)	25A _____	B _____	C _____	D _____
Total annual amount spent on special expenses by both parents (add lines 25A, B, C and D)	26 _____			

part B Total amount of special expenses that you and the other parent have to share

	Child's Name	Child's Name	Child's Name	Child's Name
Payments (per year) from sources other than the parents	27A _____	B _____	C _____	D _____
Amounts contributed (per year) by a child for special expenses	28A _____	B _____	C _____	D _____
Total amounts received for each child (add lines 27 and 28 in each column)	29A _____	B _____	C _____	D _____
Total amount received for all children (add lines 29A, B, C and D)	30 _____			
Total amount of income tax relief and benefit implications (per year) for both parents	31 _____			
Total amount received to pay for the expenses listed in Part A (add lines 30 and 31)	32 _____			
Total amount of special expenses that you have to share (line 26 minus line 32)	33 _____			

If you have a sole custody arrangement, complete either Part C or Part D

Complete **Part C** if you do not pay spousal support to, or do not receive spousal support from, the other parent.

Complete **Part D** if you pay spousal support to, or receive spousal support from, the other parent.

part C sole custody arrangement

Paying parent's share of special expenses if no spousal support is being paid to the other parent

	Parent paying child support	Parent receiving child support
Annual income (from Worksheet 1, line 18)	34A _____	B _____
Note: Part C does not have lines 35 to 38.		
Total annual income of both parents (add lines 34A and 34B)	39 _____	
Paying parent's proportion of both parents' total annual income (divide line 34A by line 39—the result will usually be in decimal form, for example, 0.66)	40 _____	
Amount of paying parent's share of special expenses (multiply line 40 by line 33)	41 _____	
Real (net) cost of all special expenses paid directly by paying parent (if any)	42 _____	
Annual amount of special expenses payable to the receiving parent by the paying parent (line 41 minus line 42)	43 _____ a year	
Monthly amount of special expenses payable to the receiving parent by the paying parent (divide line 43 by 12)	44 _____ a month	

part D sole custody arrangement

Paying parent's share of special expenses if spousal support is being paid to the other parent

	Parent paying child support	Parent receiving child support
Annual income (from Worksheet 1, line 18)	34A _____	B _____
Spousal support received from the other parent	35A _____	B _____
Add lines 34 and 35 in each column	36A _____	B _____
Spousal support paid to the other parent	37A _____	B _____
Annual income for purposes of sharing special expenses (line 36 minus line 37 in each column)	38A _____	B _____
Total annual income of both parents (add lines 38A and 38B)	39 _____	
Paying parent's proportion of both parents' total annual income (divide line 38A by line 39) –the result will usually be in decimal form (for example, 0.66)	40 _____	
Amount of paying parent's share of special expenses (multiply line 40 by line 33)	41 _____	
Real (net) cost of special expenses paid directly by paying parent (if any)	42 _____	
Annual amount of all special expenses payable to the receiving parent by the paying parent (line 41 minus line 42)	43 _____	per year
Monthly amount of special expenses payable to the receiving parent by the paying parent (divide line 43 by 12)	44 _____	**per month**

If you have a split custody arrangement, complete either part E or part F

Complete **Part E** if you do not pay spousal support to, or do not receive spousal support from, the other parent.

Complete **Part F** if you pay spousal support to or receive spousal support from the other parent.

Note: Parts E and F use the terms parent A and parent B to help you and the other parent keep track of your information. These terms could apply to either of you.

part E split custody arrangement

Parents' share of special expenses if neither of you pays spousal support to the other parent

	Parent A	Parent B
Annual income (from Worksheet 1, line 18)	34A _____	B _____
Note: There are no lines 35 to 38 in part E.		
Total annual income of both parents (add lines 34A and 34B)	39 _____	
Parent's proportion of both parents' total annual income (for line 40A, divide line 34A by line 39; for line 40B, divide line 34B by line 39—the result will usually be in decimal form, for example, 0.66)	40A _____	B _____
Amount of parent's share of special expenses (multiply line 40 by line 33)	41A _____	B _____
Real (net) cost of all special expenses paid directly by parent	42A _____	B _____
Annual amount of all special expenses payable by each parent (line 41 minus line 42)	43A _____	B _____
Amount payable monthly (divide line 43 by 12 for each parent)	44A _____	B _____

part F split custody arrangement

Share of special expenses if one of you pays spousal support to the other parent

	Parent A	Parent B
Annual income (from Worksheet 1, line 18)	34A _____	B _____
Spousal support received from the other parent	35A _____	B _____
Add lines 34 and 35 in each column	36A _____	B _____
Spousal support paid to the other parent	37A _____	B _____
Annual income for purposes of sharing special expenses (line 36 minus line 37 in each column)	38A _____	B _____
Total annual income of both parents (add lines 38A and 38B)	39 _____	
Parent's proportion of both parents' total annual income (for line 40A, divide line 38A by line 39; for line 40B, divide line 38B by line 39—the result will usually be in decimal form, for example, 0.66)	40A _____	B _____
Amount of parent's share of special expenses (multiply line 40 by line 33)	41A _____	B _____
Real (net) cost of all special expenses paid directly by each parent	42A _____	B _____
Annual amount of all special expenses payable by each parent (line 41 minus line 42)	43A _____	B _____
Amount payable monthly (divide line 43 by 12 for each parent)	44A _____	B _____

Worksheet 3

Use this worksheet when there is a claim for undue hardship

Note: This worksheet uses the terms parent A and parent B to help you and the other parent keep track of your information. These terms could apply to either of you.

part A To establish the household standard of living for Parent A's household

You can use Line-by-line help for Worksheet 3, starting on page 54, to help you complete this worksheet.

Income of household members to compare standards of living

		Parent A	other household member (if applicable)	other household member (if applicable)
Annual income (from Worksheet 1, line 18)	45	_____	45 _____	45 _____
Amount of spousal support, if any, received from the other parent if deducted on Worksheet 1, line 3	46	_____		
Federal taxes payable	47	_____	47 _____	47 _____
Provincial or teritorial taxes payable	48	_____	48 _____	48 _____
EI premiums payable	49	_____	49 _____	49 _____
CPP and QPP pemiums payable	50	_____	50 _____	50 _____
Total federal, provincial and territorial taxes payable and EI, CPP and QPP source deductions (add lines 47, 48,19 and 50)	51	_____	51 _____	51 _____
Annual income o compare standards of livig (line 45 plus line 46 mins line 51)	52	_____	52 _____	52 _____

Adjustments o annual income to compare standards of living

Deductions fro income

Annual amount \at causes undue hardship parent A)	53	_____

Worksheet 3

	Parent A	other household member (if applicable)	other household member (if applicable)
Annual amount of child support, if any, that would be payable by **parent A** to parent B according to the child support tables	54 _____		
Annual amount of support paid by **parent A or other household member(s)** under a court order or written separation agreement	55 _____	55 _____	55 _____
Total deductions For **parent A**, add lines 53, 54 and 55 For **other household member(s)**, copy amount on line 55 to line 56	56 _____	56 _____	56 _____
Additions to income Annual amount of child support, ifany, that would be received by **parent A** from parent B according to the child support tables	57 _____		
Annual amount of child support, if any, received by **parent A** or **other household member(s)** under a court order or written separation agreement for any child	58 _____	58 _____	58 _____
Total additions For **parent A**, add lines 57 and 58 For **other household member(s)**, copy amount on line 58 to line 59	59 _____	59 _____	59 _____
Parent A's household income ratio			
Adjusted annual income to compare standards of living (line 52 minus line 56 plus line 59)	60A _____	B _____	C _____
Total annual income for all members of **parent A's** household (add lines 60A, B and C)		61 _____	
Low-income measures amount for **parent A's** household		62 _____	
Parent A's household income ratio (divide line 61 by line 62)		63 _____	

Note: This worksheet uses the terms parent A and parent B to help you and the other parent keep track of your information. These terms could apply to either of you.

part B To establish the household standard of living for parent B's household

You can use Line-by-line help for Worksheet 3, starting on page 54, to help you complete this worksheet.

Income of household members to compare standards of living

		Parent B	other household member (if applicable)	other household member (if applicable)
Annual income (from Worksheet 1, line 18)	45	_____	45 _____	45 _____
Amount of spousal support, if any, received from the other parent if deducted on Worksheet 1, line 3	46	_____		
Federal taxes payable	47	_____	47 _____	47 _____
Provincial or territorial taxes payable	48	_____	48 _____	48 _____
EI premiums payable	49	_____	49 _____	49 _____
CPP and QPP premiums payable	50	_____	50 _____	50 _____
Total federal, provincial and territorial taxes payable and EI, CPP and QPP source deductions (add lines 47, 48, 49 and 50)	51	_____	51 _____	51 _____
Annual income to compare standards of living (line 45 plus line 46 minus line 51)	52	_____	52 _____	52 _____

Adjustments to annual income to compare standards of living

Deductions from income

Annual amount that causes undue hardship (**parent B**) 53 _____

Worksheet 3

		Parent B	other household member (if applicable)	other household member (if applicable)
Annual amount of child support, if any, that would be payable by **parent B** to parent A according to the child support tables	54			
Annual amount of support paid by **parent B or other household members** under a court order or written separation agreement	55			
Total deductions For **parent B**, add lines 53, 54 and 55 For **other household member(s)**, copy amount on line 55 to line 56	56			
Additions to income Annual amount of child support, if any, that would be received by **parent B** from parent A according to the child support tables	57			
Annual amount of child support, if any, received by **parent B** or **other household member(s)** under a court order or written separation agreement for any child	58			
Total additions For **parent B**, add lines 57 and 58 For **other household member(s)**, copy amount on line 58 to line 59	59			
Parent B's household income ratio				
Adjusted annual income to compare standards of living (line 52 minus line 56 plus line 59)	60A		B	C
Total annual income for all members of **parent B's household** (add lines 60A, B and C)	61			
Low-income measures amount for **parent B's household**	62			
Parent B's household income ratio (divide line 61 by line 62)	63			

Child Support Amount Record—shared custody arrangement

You can use this sheet to record the results of your child support calculations from Worksheet 1.

Write the amount of parent A's *annual income* from Worksheet 1, line 18 here: _____

Write the amount of parent B's *annual income* from Worksheet 1, line 18 here: _____

Write the *basic amount* of child support from the child support tables (or another amount if applicable) for parent A here: _____

Write the *basic amount* of child support from the child support tables (or another amount if applicable) for parent B here: _____

Write any amounts parent A believes should be paid by parent B because of the *increased costs of shared custody and the conditions, means and needs of each parent and each child here:* _____

Write any amounts parent B believes should be paid by parent A because of the *increased costs of shared custody and the conditions, means and needs of each parent and each child here:* _____

Child Support Amount Record—split custody arrangement

You can use this sheet to record the results of your child support calculations from Worksheets 1, 2 and 3.

Write the amount of parent A's *annual income* from Worksheet 1, line 18 here: _____

Write the amount of parent B's *annual income* from Worksheet 1, line 18 here: _____

Calculate how much child support parent A would pay (for children in parent B's custody)

Write the *basic amount* of child support from the child support tables (*or* another amount if applicable) payable by parent A here: a) _____

Write the amount parent A has to contribute to *special expenses* here: + b) _____

Add lines a and b to get the *estimated total amount of child support payable* each month by parent A. = c) _____

Calculate how much child support parent B would pay (for children in parent A's custody)

Write the basic amount of child support from the child support tables (or another amount if applicable) payable by parent B here: a) _____

Write the amount parent B has to contribute to *special expenses* here: + b) _____

Add lines a and b to get the *estimated total amount of child support payable* each month by parent B. = c) _____

If claiming undue hardship (step 8) write parent A's income ratio here: _____

Write parent B's income ratio here: _____

Write which household has the lower income ratio (representing standard of living) here: _____

Child Support Amount Record—sole custody arrangement

You can use this sheet to record the results of your child support calculations from Worksheets 1, 2 and 3.

Write the paying parent's *annual income* from Worksheet 1, line 10 here: _____

Write the *basic amount* of child support from the child support tables (or another amount if applicable) here: a) _____

Write the amount the paying parent has to contribute to *special expenses* here: + b) _____

Add lines a and b to get the **estimated total amount of child support payable each month by the paying parent:** = c) _____

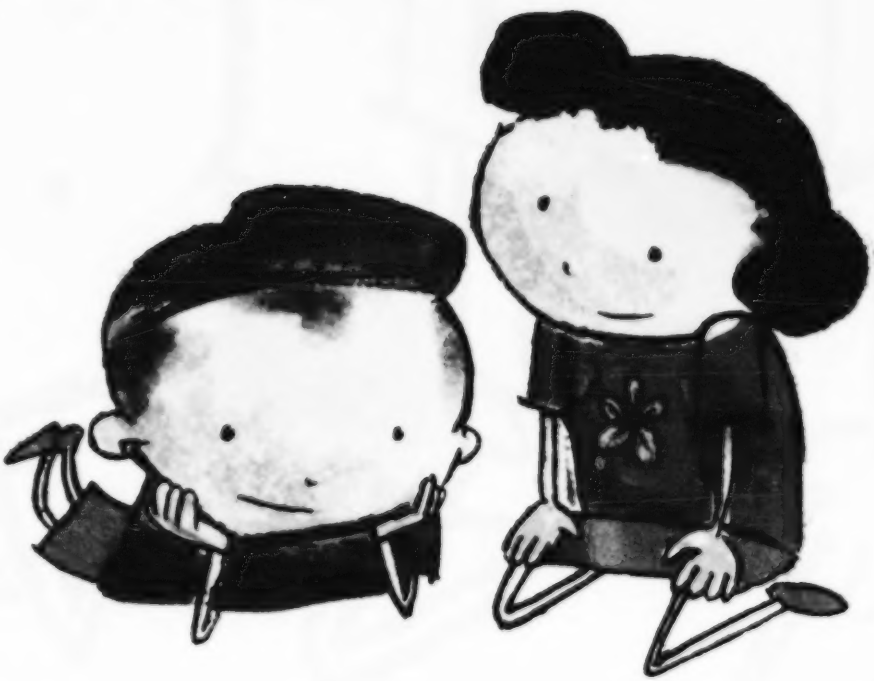
If claiming undue hardship (step 8)

Write the income ratio for parent X's household here: _____

Write the income ratio for parent Y's household here: _____

Write which household has the lower income ratio (representing standard of living) here: _____

Notes



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